United Nations A/HRC/38/17

General Assembly

Distr.: General
18 April 2018

Original: English

Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda item 6
Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Serbia

* The annex is being circulated without formal editing, in the language of submission only.

GE.18-06191(E)
1806191

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Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-ninth session from 15 to 26 January 2018. The review of Serbia was held at the 16th meeting, on 24 January 2018. The delegation of Serbia was headed by the Acting Director of the Office for Human and Minority Rights, Suzana Paunović. At its 18th meeting, held on 26 January 2018, the Working Group adopted the report on Serbia.

2. On 10 January 2018, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Serbia: Belgium, Philippines and Togo.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Serbia:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/29/SRB/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/29/SRB/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/29/SRB/3).

4. A list of questions prepared in advance by Belgium, Brazil, Czechia, Germany, Liechtenstein, Portugal, Slovenia, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America and was transmitted to Serbia through the troika. These questions are available on the website of the universal periodic review.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. Since the second cycle of the universal periodic review, Serbia had submitted reports to eight United Nations treaty bodies and, in the period under review, had submitted more than 300 reports under the special procedures of the Human Rights Council. It had received visits from the Special Rapporteur on the human rights of internally displaced persons, the Special Rapporteur in the field of cultural rights, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Working Group on Enforced or Involuntary Disappearances.

6. Serbia was a candidate country for European Union membership and special attention was being paid to promoting the rule of law and protecting human rights. Serbia cooperated actively with the Council of Europe and with the Organization for Security and Cooperation in Europe (OSCE) in the field of the protection and promotion of human and minority rights. It had ratified multiple Council of Europe conventions in the field of human and minority rights, including the Convention for the Protection of Human Rights and Fundamental Freedoms.

7. The United Nations Office in Belgrade and the OSCE Mission to Serbia had provided significant support in the process of drafting the national report for the third review cycle.

8. Serbia had not had the capacity to monitor the implementation of international human rights treaties in the autonomous province of Kosovo and Metohija since the administration of that province had been entrusted to the United Nations Interim Administration Mission in Kosovo.

9. In 2014, the Government of Serbia had established the Council for Monitoring the Implementation of the Recommendations of the United Nations Human Rights Mechanisms. The Council's main goal was to facilitate more effective monitoring of recommendations that were received, and to improve intersectoral cooperation on their implementation. It had developed a plan for the implementation of all recommendations that United Nations human rights mechanisms made to Serbia. The plan for 2018 was to link the implementation of each recommendation from the United Nations mechanisms to the implementation of the Sustainable Development Goals.

10. An adequate legal framework and sufficient resources had been provided for the operation of independent State bodies. In May 2015, the National Assembly had appointed a new Commissioner for the Protection of Equality. The Commissioner's office had moved to larger premises in 2016. A new Protector of Citizens (Ombudsman) had been appointed in July 2017 and the Action Plan for Negotiating Chapter 23 concerning accession to the European Union encompassed measures to strengthen the capacities of the Ombudsman's Office.

11. Training courses in the field of human rights were organized continuously and at all levels, and records were kept on them.

12. The National Judicial Reform Strategy for the period 2013–2018 had been adopted, as had the accompanying action plan. The Government had identified the need to amend the Constitution in relation to the influence exerted by the legislative and executive authorities over the process of the election and dismissal of judges, presidents of courts and public prosecutors, and over the election of members of the High Judicial Council and the State Prosecutors' Council.

13. Serbia had ratified all the most important international instruments on fighting corruption. The National Anti-Corruption Strategy for the period 2013–2018 identified sectors that were considered to be at particular risk of corruption.

14. The National Assembly had elected a new War Crimes Prosecutor on 15 May 2017 and the Government had adopted the National Strategy for the Prosecution of War Crimes for the period 2016–2020. Serbia continued to cooperate with the International Residual Mechanism for Criminal Tribunals as the legal successor to the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

15. The definition of torture in the Criminal Code would be amended as part of the process of bringing the Code into accordance with international standards. A higher level of expertise and awareness of the need for zero tolerance of torture would be achieved through continuous training of law enforcement officers, judges and officers responsible for enforcing criminal sanctions. Measures based on the recommendations of the United Nations Committee against Torture and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment were being actively implemented.

16. The Penal Sanctions Enforcement System Development Strategy to be enforced by 2020 and the accompanying action plan contained detailed measures for improving prison conditions.

17. Serbia had tackled the migrant and refugee crisis responsibly and had demonstrated its commitment to international and European values and standards. The Migration Profile had been developed as a tool for monitoring migration flows and trends. The Commissariat for Refugees and Migration maintained databases of refugees and internally displaced persons, and records of asylum seekers and migrants who had been placed at the permanent asylum centres and reception centres. All migrants and refugees were provided with appropriate accommodation, with all standards ensured. In addition, social work centres and social security institutions had been instructed to manage emergency accommodation, guardianship of underage migrants and refugees, adequate health care and psychosocial support. Underage migrants and refugees were offered the chance to participate in the formal education system. The adoption in 2014 of the Law on the Employment of Foreigners had constituted a significant development for migrants, refugees and internally

displaced persons. Foreigners who were employed according to that law had equal rights and obligations in terms of work, employment and self-employment to those of citizens, if the conditions prescribed by the law were met.

18. The Government had adopted a bill on asylum and temporary protection. It had also adopted the National Strategy for Resolving the Issues of Refugees and Internally Displaced Persons for the period 2015–2020 to tackle the problem of protracted internal displacement. It was implementing the Regional Housing Programme to address the issue of refugees from the former Socialist Federal Republic of Yugoslavia.

19. Serbia was endeavouring to encourage tolerance and intercultural dialogue and to take action to promote mutual respect, understanding and cooperation among all residents, regardless of their national, cultural, linguistic or religious identity. The Constitution stipulated that persons from national minorities could elect national representative councils, which had an advisory role in State bodies. During the 2010 and 2014 electoral cycles, members of the councils of national minorities had been directly elected, making Serbia one of few countries to provide national minorities with the means to elect their representatives. Furthermore, the Action Plan for the Realization of the Rights of National Minorities had been drawn up as a mechanism to ensure the full implementation of the legislative framework and to measure progress in the realization of the rights of national minorities.

20. The adoption of the Strategy for the Social Inclusion of Roma Men and Women 2016–2025 ensured continued provision of a better quality of life for citizens of Roma origin. Given that the Roma experienced more difficulties in finding employment than other sectors of society, active employment policy measures had been put in place for them, along with self-employment incentive programmes and employment subsidies for private sector employers. In the field of housing, records of the number and location of informal Roma settlements in Serbia had been established for the first time, thus allowing for the planned allocation of funds to address the relevant issues.

21. The Government had adopted the National Strategy for Gender Equality 2016–2020 with the accompanying action plan. The National Action Plan for the Implementation of United Nations Security Council resolution 1325 had been adopted in May 2017. The Government had formed the Gender Equality Coordination Body in 2014.

22. Serbia had ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) in October 2013. The Serbian Law on Amendments to the Criminal Code and the Law on the Prevention of Domestic Violence had been adopted in November 2016 to ensure alignment with that convention. The Government had established the Council for the Suppression of Domestic Violence to monitor implementation of the Law on the Prevention of Domestic Violence and to eliminate shortcomings that arose in practice.

23. The Government had started working on amendments to regulations that would explicitly prohibit the corporal punishment of children and further improve the provisions of the existing Family Law.

24. Regarding persons with disabilities, the anti-discrimination laws had been supplemented in March 2015 by the Law on the Use of Sign Language and the Law on the Movement of Blind People with the Assistance of Guide Dogs.

25. In accordance with European Union goals for 2022, the National Strategy on Ageing had been introduced into development plans.

26. Since 2014, pride events had been held to promote the rights of lesbian, gay, bisexual, transgender and intersex persons, and the police presence at such events had been gradually reduced.

27. Over 2,000 criminal charges had been brought against persons involved in human smuggling and trafficking. The National Strategy for the Prevention and Suppression of Trafficking in Humans, especially Women and Children, and the Protection of Victims for the period 2017–2022 had been adopted along with the accompanying action plan. A government working group had been set up to implement and monitor the strategy. The

capacity of the Criminal Police Directorate to combat human trafficking was being boosted through a specialization programme for inspectors. In addition, a centre providing protection for victims of trafficking had been established, the aim of which was to ensure the best interests and safety of victims and cooperation with social work centres, the police, public prosecutors' offices, courts and citizens' associations.

28. The Serbian Constitution and laws guaranteed the full freedom of the media and prohibited censorship, in accordance with international and European standards. Journalists were accorded the same formal protection under the criminal law as the President of the Republic, the Prime Minister, members of the Government, Constitutional Court judges, judges, public prosecutors, deputy public prosecutors, lawyers and police officers.

29. Under the amendment to the Criminal Code of 2012, consideration was given to whether an act of hatred was committed based on race or religion, national or ethnic affiliation, sex, sexual orientation or gender identity.

30. Serbia remained committed to making further progress in the process of democratization, fulfilment of its international obligations and achievement of the highest standards, especially in the field of human rights.

B. Interactive dialogue and responses by the State under review

31. During the interactive dialogue, 74 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

32. Ireland commended progress on the protection of journalists and freedom of expression. In the light of the persistent homophobia and discrimination against lesbian, gay, bisexual, transgender and intersex persons, Ireland called on Serbia to make provision in law for same-sex civil partnership and marriage. It noted the difficulties faced by members of minorities in terms of access to education, health care and accommodation, despite efforts to combat discrimination against them.

33. Italy welcomed efforts to promote human rights and the rule of law, including the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. It commended the provision of training on human rights and non-discrimination for public officers, and the commitment of Serbia to combating corruption.

34. Kyrgyzstan welcomed the fact that Serbia had strengthened its national legislative framework, ratified several human rights instruments and adopted policies on human rights.

35. Latvia acknowledged the progress made on respecting human rights, but noted with concern the lack of implementation of the law on gender equality, and the prosecution of journalists and members of civil society.

36. Lebanon commended Serbia for its efforts to promote the human rights of its citizens, combat hate crime and promote tolerance.

37. Maldives welcomed the measures being taken to combat domestic violence and to improve the status of women. It commended the strategy that had been adopted to ensure the rights to a healthy environment, water and sanitation.

38. Mexico acknowledged the establishment of the Council for Monitoring the Implementation of the Recommendations of the United Nations Human Rights Mechanisms, and the Action Plan for the Realization of the Rights of National Minorities.

39. Mongolia praised the legal and institutional progress made on human rights, and the commitment of Serbia to children's rights, including with regard to birth registration and corporal punishment. It encouraged Serbia to implement the Law and the National Strategy on the Prevention of Domestic Violence.

40. Montenegro welcomed the progress Serbia had made in terms of human rights, particularly its strengthened legal framework. It expressed concern about violence against

women and domestic violence, while welcoming positive steps that were being taken to tackle those phenomena.

41. Morocco welcomed the ratification by Serbia of the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, as well as its acceptance of the amendment to article 20 (1) of the Convention on the Elimination of All Forms of Discrimination against Women. Morocco also welcomed the creation in 2014 of the Council for Monitoring the Implementation of the Recommendations of the United Nations Human Rights Mechanisms.

42. Mozambique praised the efforts of Serbia to implement the previous universal periodic review recommendations and to submit its reports to the treaty bodies. Mozambique noted the continuous efforts being made to include national minorities in society and ensure their access to basic rights.

43. The Netherlands welcomed the comprehensive reform process being undertaken in Serbia, which included ensuring freedom of expression for lesbian, gay, bisexual, transgender and intersex persons.

44. New Zealand welcomed the delegation of Serbia to the universal periodic review session.

45. Norway stressed that, despite the progress made, more needed to be done to consolidate the rule of law, particularly to strengthen the judiciary. Norway was concerned at the lack of political diversity in the media. It urged Serbia to take further measures to protect against hate crime.

46. The Philippines acknowledged the ratification of the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children, and of the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. It noted the progress made in terms of improving gender equality and the treatment of marginalized groups.

47. Poland recognized the efforts to comply with the recommendations accepted during the second review cycle and the developments made in combating discrimination, violence against women and corruption.

48. Portugal welcomed the improvements made since the previous review. It commended the progress that had been achieved in the education system, but stressed the need for further developments in that area.

49. The Republic of Korea noted the efforts of the Government to accommodate refugees and unaccompanied children, as well as the reforms to make the institutional and legislative framework more transparent and equitable.

50. The Republic of Moldova welcomed the establishment of the Council for Monitoring the Implementation of the Recommendations of the United Nations Human Rights Mechanisms. It noted that several measures had been taken to ensure gender equality, combat violence against women, and protect the rights of persons with disabilities, children and minorities.

51. Romania applauded the improvements that had been made to the legislative framework regarding the status and participation of persons belonging to national minorities in social and political life, as well as in the implementation of those laws.

52. The Russian Federation appreciated the establishment of the Council for the Implementation of the Recommendations of the United Nations Human Rights Mechanisms and the measures taken to combat discrimination against national minorities, including the national action plan to increase their participation in the work of public institutions and the use of their languages.

53. Sierra Leone acknowledged several measures to ensure gender equality. It encouraged Serbia to adopt a strategy to address domestic violence and to allocate the

necessary resources to the Council for the Improvement of the Status of Roma and Implementation of the Decade of Roma Inclusion.

54. Singapore noted several measures that had been taken to promote equal opportunities for minorities. It commended Serbia for its efforts to strengthen the rule of law, including the adoption of the National Strategy for Judicial Reform 2013–2018, and the law on the protection of the right to a fair trial.

55. Slovakia noted with concern reports of intimidation of and attacks and death threats against journalist and media workers. It also noted the results achieved by search operations for persons who had gone missing during the armed conflicts of the 1990s. It further noted the progress made in the protection of the rights of the child.

56. Slovenia applauded measures taken to improve national legislation to combat domestic violence. However, it remained concerned about the persistence of gender-based violence and the high unemployment rate of women. Slovenia encouraged Serbia to strengthen its measures to eradicate social stigmatization, discrimination and violence against members of minorities and vulnerable groups.

57. The State of Palestine noted the establishment of councils for the implementation of non-discrimination policies and of a strategy to protect the rights of the Roma, as well as the adoption of a national action plan on the rights of national minorities.

58. Sweden noted the ongoing efforts of the Government to fulfil its obligations to promote and protect human rights. It encouraged Serbia to continue its efforts in that area.

59. Switzerland noted the adoption of various strategies and laws in line with international human rights standards. However, it was concerned that restrictions were imposed on the right to freedom of expression and opinion of civil society, including human rights defenders and the media.

60. The former Yugoslav Republic of Macedonia noted the efforts of the Government to implement the recommendations from the previous review cycle. It welcomed the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

61. Timor-Leste noted the measures taken to address the issue of late birth registration, to improve access to adequate health care and to improve the education system. It remained concerned by the high rates of school non-attendance and dropout.

62. Tunisia noted the participatory approach in drafting the national report by involving all relevant stakeholders and civil society. It also noted the strengthening of the normative and institutional framework of human rights, including the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

63. Turkey welcomed the adoption of the Action Plan for the Realization of the Rights of National Minorities, stipulating greater participation of national minorities in the Government, the use of their scripts and the protection of their rights to education and culture. It welcomed the adoption of a national strategy for the prosecution of war crimes and the appointment of a new War Crimes Prosecutor in 2017.

64. Turkmenistan noted the establishment of a department of demography and population policy and of the Council for the Implementation of the Recommendations of the United Nations Human Rights Mechanisms. It welcomed the progress made on gender equality, the status of the Roma, persons with disabilities, migrants and national minorities.

65. Ukraine noted the efforts taken by Serbia to improve the institutional and legislative framework on human rights, in particular, through the ratification of international human rights treaties. Ukraine acknowledged the establishment of the Council for the Implementation of the Recommendations of the United Nations Human Rights Mechanisms.

66. The United Kingdom of Great Britain and Northern Ireland welcomed the efforts of Serbia to tackle human trafficking, particularly the Serbian Assembly's recent partnership with the Human Trafficking Foundation, which was based in the United Kingdom. It was

concerned about the protection of freedom of expression and urged Serbia to step up enforcement of its own guarantees for freedom of expression.

67. The United States of America thanked Serbia for its efforts to provide humanitarian assistance to refugees and asylum seekers. It was concerned about threats and violence targeting independent journalists and civil society activists. It remained concerned by the lack of progress in bringing to justice the perpetrators of the 1999 murders of the Bytyqi brothers.

68. Uruguay noted the actions taken by Serbia to combat crimes motivated by prejudice. Uruguay expressed concern that corporal punishment was permitted in the home and in public institutions.

69. The Bolivarian Republic of Venezuela recognized the adoption of the new legal framework aimed at combating all forms of discrimination in Serbia. It noted that the Action Plan for the Realization of the Rights of National Minorities provided greater opportunities for the participation of minorities in the work of the Government.

70. Viet Nam noted that Serbia had put in place numerous measures to promote and protect human rights, particularly for women and children, persons with disabilities and elderly persons. Viet Nam welcomed the achievements of Serbia in the field of gender equality.

71. Afghanistan commended the action taken by Serbia towards gender equality and the efforts of the Coordination Body for Gender Equality to improve the status of women.

72. Albania commended Serbia for its ratification, since the second review cycle, of significant international human rights instruments, including the Istanbul Convention. Albania welcomed the reform of the domestic legal framework with a view to strengthening institutional capacities and media freedom and improving respect for human rights.

73. Algeria noted that Serbia had ratified several regional legal instruments and harmonized its domestic law with international human rights treaties. Algeria welcomed the measures adopted by Serbia within the framework of its 2016 national human rights plan and the establishment of the Council for the Implementation of the Recommendations of the United Nations Human Rights Mechanisms.

74. The delegation of Serbia, responding to some of the statements that had been made, said that the independent State bodies had been fully supported politically and financially from the national budget between the two review cycles. In fact, they had benefited significantly from increased funding.

75. Regarding the transparency of media ownership, a media registry has been established under the Law on Public Information and Media. Civil society organizations participated in the formulation and amendment of provisions of the Constitution and in public debates.

76. The delegation stated that Serbia had adopted the National Strategy for the Prosecution of War Crimes and cooperated diligently with the International Residual Mechanism for Criminal Tribunals, the legal successor to the International Tribunal for the former Yugoslavia. Regarding victims' right to compensation, Serbia planned to draft a national strategy on improving the rights of victims of crime.

77. Legislative solutions to uphold the rights of national minorities had been implemented based on the laws on employment in public service and on employees in autonomous provinces and local self-government units. There were 21 national minority councils active in Serbia and over 300 million dinars (around €2.5 million) were allocated annually to their work from the budget of Serbia and the Autonomous Province of Vojvodina.

78. The delegation stated that the Law on Public Assembly stipulated that public gatherings could be enjoyed freely and that everyone had the right to organize a gathering and to participate in it, in accordance with that law. Assembly was not allowed, however, in a place where, due to the characteristics of the site itself or its special purpose, it would

pose a danger or a threat to the safety of persons, property, public health, morals, the rights of others or State security.

79. The delegation of Serbia stated that a situational analysis and analysis of the existing legal framework for the protection of children from the worst forms of child labour had been undertaken and a proposal had been made to amend several laws. In May 2017, the Government had adopted a decree on the list of dangerous jobs for children and the worst forms of child labour.

80. Argentina congratulated Serbia for the establishment of the Council for the Implementation of the Recommendations of the United Nations Human Rights Mechanisms. It congratulated Serbia on the inclusion of article 54 in the Criminal Code regarding hate crimes. Argentina recognized the commitment of Serbia to fighting impunity.

81. Armenia commended Serbia for its ratification of a number of international human rights instruments. Armenia welcomed the increased efforts being made by Serbia to combat trafficking in persons and discrimination against women, and its efforts to promote gender equality. It appreciated the measures being taken by the Coordination Body for Gender Equality.

82. Australia commended Serbia for its efforts to advance the rights and protection for lesbian, gay, bisexual, transgender and intersex persons and noted that the 2017 pride parade had taken place without incident. It noted that Serbia did not have comprehensive legislation in place to protect the rights of intersex persons in terms of equality and non-discrimination.

83. Austria commended the efforts Serbia had made to improve its legislative and institutional framework. Austria noted that corporal punishment of children and domestic violence remained an issue, and that Roma, lesbian, gay, bisexual, transgender and intersex persons, persons with disabilities and other vulnerable groups continued to face discrimination in Serbia.

84. Azerbaijan appreciated the solid commitment of Serbia to the universal periodic review process and its active engagement with the treaty bodies and special procedures of the Human Rights Council. It commended the establishment of the Council for the Implementation of the Recommendations of the United Nations Human Rights Mechanisms and noted with interest the legislative and institutional changes that had been made in order to better promote human rights.

85. Belarus welcomed the strategic approach being taken on gender equality issues, including the implementation of the National Strategy for Gender Equality and its plan of action, and the establishment of the Coordinating Council on Gender Equality. It noted with interest the steps being taken to implement the recommendations of the United Nations human rights mechanisms.

86. Belgium recognized the positive steps that had been taken to implement the recommendations from the previous review cycle, particularly the progress made in tackling human trafficking. Belgium was convinced that further progress could be achieved in the fight against impunity and hate crime and to uphold freedom of expression.

87. Bhutan praised Serbia on its ratification of the Istanbul Convention and for the amendments it had made to domestic legislation, particularly on combating domestic violence. Bhutan wished Serbia success in its implementation of the National Strategy for the Prevention and Suppression of Trafficking in Human Beings and the National Anti-Corruption Strategy.

88. Bosnia and Herzegovina noted with appreciation the steps taken to strengthen the normative framework on the prevention of domestic violence and to fight human trafficking. It asked Serbia to provide more information on the assistance given to victims of trafficking under the National Strategy for the Prevention and Suppression of Trafficking in Human Beings.

89. Brazil congratulated Serbia for adopting the Law on the Prevention of Domestic Violence and for progress in protecting the rights of lesbian, gay, bisexual, transgender and

intersex persons. Brazil encouraged Serbia to continue fighting homophobia and discrimination by implementing the anti-discrimination law. It expressed concern about the situation of migrants and refugees and people at risk of statelessness.

90. Bulgaria welcomed steps to improve the normative and institutional framework regarding the status of national minorities and their equal participation in political and social life. It encouraged Serbia to provide radio and television broadcasting in Bulgarian for the Bulgarian national minority.

91. Canada commended Serbia for the steps it had taken to uphold human rights, particularly the rights to freedom of assembly and of expression. It expressed concern about the Serbian Defence Minister's public praise of Vladimir Lazarević, who had been convicted of war crimes.

92. Chile congratulated Serbia for ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and for adopting policies aimed at eliminating discrimination against women, persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons, migrants, refugees and national minorities.

93. China commended Serbia for its efforts to ensure economic and social development and gender parity, to enhance living standards, education and health care, to combat domestic violence and to protect the rights of women, children, persons with disabilities and the Roma.

94. Costa Rica congratulated Serbia for ratifying several international human rights instruments and for approving domestic legislation to combat discrimination against minorities. It expressed concern about the low prosecution rates for crimes committed during the armed conflict and for cases of discrimination and domestic violence.

95. Côte d'Ivoire welcomed the implementation of the national human rights plan and the establishment of the Council for the Implementation of the Recommendations of the United Nations Human Rights Mechanisms. It was concerned at reports of alleged human rights violations of the rights of members of civil society and of discrimination against women.

96. Croatia acknowledged developments in preventing hate speech, hate crimes and discrimination, and urged Serbia to implement the action plans it was developing within the framework of the European Union accession process. Croatia expressed regret that the prosecutorial strategy for the investigation and prosecution of war crimes had not been adopted, leaving victims of war crimes without adequate compensation.

97. Cuba welcomed the adoption of the National Strategy for Gender Equality 2016–2020 and the 2020 Education Strategy, and the entry into force of the Law on the Prevention of Domestic Violence.

98. Cyprus commended Serbia for amending the Criminal Code regarding rape, stalking, sexual harassment, forced marriage and genital mutilation. Cyprus welcomed the establishment of and the activities undertaken by the Coordination Body for Gender Equality.

99. Czechia thanked Serbia for its responses to some of its advance questions. It acknowledged the progress made by Serbia on several areas of human rights and encouraged it to continue on that path.

100. Egypt appreciated the adoption of the Action Plan for the Realization of the Rights of National Minorities, which provided for greater participation of national minorities in the Government.

101. Estonia appreciated the cooperation of Serbia with the United Nations procedures and bodies and highlighted the need for protection of freedom of expression and the pluralism of the media. Estonia expressed regret at reports that girls and women were frequently exposed to violence and alleged cases of violence against children, child trafficking and the commercial sexual exploitation of children.

102. France welcomed progress in several areas, such as legislation on gender equality.

103. Gabon highlighted the measures taken to promote gender equality and to protect persons with disabilities, migrants, refugees and national minorities. Gabon welcomed measures aimed at providing independent human rights mechanisms with a legal framework, sufficient financing and efficient administration.

104. Georgia welcomed the establishment of the Council for the Implementation of the Recommendations of the United Nations Human Rights Mechanisms. Georgia encouraged Serbia to strengthen its legal framework to provide for more effective prevention of all forms of violence against women.

105. Germany highlighted the need to strengthen the rule of law, and stated that legislation to improve the situation of migrants, refugees and minorities should be effectively implemented. It noted the backlog with regard to the prosecution of crimes under international law.

106. Greece commended legal steps taken to tackle the issue of hatred, intolerance, racial discrimination and discrimination against lesbian, gay, bisexual and transgender persons. Greece welcomed the adoption of the Action Plan for the Realization of the Rights of National Minorities, which provided for greater participation of national minorities in the Government.

107. Honduras commended the adoption in 2016 of the Law on the Prevention of Domestic Violence and the amendments made to the provisions of the Criminal Code on non-consensual sexual relations, including harassment and forced marriage.

108. Iceland welcomed the efforts made by Serbia to promote the right to peaceful assembly of lesbian, bisexual, transgender and intersex persons. It also welcomed the adoption in 2016 of the Law on the Prevention of Domestic Violence and the amendments to the provisions of the Criminal Code on rape and non-consensual sexual relations, stalking, sexual harassment, forced marriage and genital mutilation.

109. India commended Serbia for the steps taken to improve the status of women and promote gender equality and for the adoption of the National Strategy for Gender Equality 2016–2020. In addition, it welcomed the enactment of laws on the prevention of discrimination against persons with disabilities and the adoption of the Action Plan for the Realization of the Rights of National Minorities.

110. Indonesia expressed appreciation for the ratification by Serbia of international human rights instruments and welcomed the convening of numerous human rights training sessions for government officials in the field of human rights protection and anti-discrimination.

111. Iraq welcomed the institutional framework established to follow up on the implementation of recommendations in the field of human rights.

112. The delegation of Serbia concluded by reiterating that Serbia had demonstrated its commitment to the protection of human rights by the manner in which it had prepared for and participated in the third cycle of the universal periodic review. The best illustration of that claim was the strengthening of institutional capacities in preparation for the process, the improvement of the reporting process itself, the involvement of all relevant domestic stakeholders in the preparations for the third review cycle, and the high level of cooperation that had been achieved among the different stakeholders. Serbia would strive in the future to link the process of reporting to the United Nations human rights mechanisms with the Sustainable Development Goals. Serbia remained committed to the universal periodic review process and to cooperating with the Human Rights Council.

II. Conclusions and/or recommendations

113. **The recommendations formulated during the interactive dialogue/listed below have been examined by Serbia and enjoy the support of Serbia:**

113.1 **Strengthen the rule of law through constitutional amendments as well as other reforms that enhance the independence and efficiency of the judiciary (Norway);**

113.2 **Ensure that the discussions on constitutional reforms regarding the independence of the judiciary move ahead in a timely and inclusive manner and that the outcome of this process is swiftly implemented (Sweden);**

113.3 **Strengthen judicial independence by implementing the constitutional reform currently under way, in accordance with the standards of the Venice Commission, and improve access to justice for all citizens (France);**

113.4 **Continue the harmonization of the Criminal Code provisions with international norms (Morocco);**

113.5 **Strengthen the legal framework for the Ombudsman (Poland);**

113.6 **Grant the Protector of Citizens (Ombudsman) the necessary legal and financial means to fulfil its mandate (Algeria);**

113.7 **Strengthen the mandate of the Protector of Citizens and ensure its independent functioning, in line with the Paris Principles, and by allocating sufficient financial and human resources to it (Republic of Moldova);**

113.8 **Implement the Strategy for the Prevention of and Protection from Discrimination and the corresponding Action Plan (Cuba);**

113.9 **Continue to combat all forms of discrimination, including through the implementation of the Strategy for the Prevention of and Protection from Discrimination (Cyprus);**

113.10 **Strengthen anti-discrimination mechanisms, including for lesbian, gay, bisexual, transgender and intersex persons, and continue efforts to promote the human rights of persons belonging to minorities, especially the Roma minority (France);**

113.11 **Continue to strengthen its efforts on the promotion and protection of human rights, especially with regard to the rights of vulnerable populations, including women and children (Viet Nam);**

113.12 **Continue efforts towards promoting and protecting human rights, especially those of vulnerable groups (Bhutan);**

113.13 **Strengthen national measures to promote tolerance and pluralism in order to prevent ethnic discrimination (Indonesia);**

113.14 **Strengthen efforts to prevent and combat all forms of discrimination, including against women, children, Roma and lesbian, gay, bisexual, transgender and intersex persons (Italy);**

113.15 **Continue to organize regular information campaigns aimed at strengthening the equality of the sexes and overcoming gender stereotypes (Belarus);**

113.16 **Continue to promote economic and social sustainable development to meet its people's need for a better life (China);**

113.17 **Continue pursuing appropriate policies to achieve more balanced economic and social development among the regions in the country (Bulgaria);**

113.18 **Take the necessary measures to promote the participation of women in the labour market in a wider range of occupations, including through awareness-raising to overcome gender stereotypes (Iceland);**

113.19 **Initiate the application of innovative approaches and technological innovations for the efficient, accountable and transparent delivery of public services (Azerbaijan);**

113.20 **Put in place further measures to improve the independence, accountability and effectiveness of the justice system (Australia);**

113.21 **Increase efforts to combat hate speech (Lebanon);**

113.22 **Strengthen an independent judiciary that guarantees the rule of law and tackles corruption by implementing European Union recommendations (Germany);**

113.23 **Pursue efforts to strengthen the judiciary through the implementation of the national strategy adopted for this purpose (Morocco);**

113.24 **Fully respect and implement the principles of the rule of law by taking all necessary measures to ensure the effective and independent functioning of the judiciary (Estonia);**

113.25 **Continue with its judicial reforms to effectively introduce the rule of law in all aspects of society (Republic of Korea);**

113.26 **Continue implementing all expedient measures in its National Strategy for Judicial Reform 2013–2018 that help strengthen the rule of law until a new national strategy is drawn up (Singapore);**

113.27 **Take steps to improve judicial independence by limiting the scope for political influence over judicial appointments (Canada);**

113.28 **Continue the promotion of initiatives to empower the country's women at the economic, political and social levels (Bosnia and Herzegovina);**

113.29 **Pursue efforts with a view to improving accessibility to human rights training and education (Morocco);**

113.30 **Enhance its efforts to reduce non-attendance and school drop-out rates, ensuring the effective implementation of the 2020 Education Strategy (Cyprus);**

113.31 **Make further efforts to promote opportunities for access to education for all (Iraq);**

113.32 **Develop programmes to reduce dropout rates from schools (Timor-Leste);**

113.33 **Support efforts to ensure students from ethnic minority groups have access to school textbooks in their native language (United States of America);**

113.34 **Step up efforts towards achieving inclusive education for all children (Georgia);**

113.35 **Strengthen training programmes for State agents in the field of the rights of minorities (Algeria);**

113.36 **Continue to take effective measures to promote gender equality and to better protect women's rights (China);**

113.37 **Continue developing actions to improve the status of women and gender equality (Cuba);**

113.38 **Continue to make efforts to improve equality between men and women, and in particular support rural women and assist them in their economic empowerment (Egypt);**

113.39 **Continue its efforts to increase the representation of women within State and local administrations (New Zealand);**

113.40 **Promote the participation of women in public and political life, and in the labour market (Poland);**

113.41 **Continue enhancing the role of women in strengthening democracy and ensuring sustainable development (Azerbaijan);**

113.42 **Strengthen the measures to prevent all forms of violence against women, in particular domestic violence, and strengthen the legal protection of women against discrimination and all forms of violence (Mexico);**

113.43 **Adopt the National Strategy for the Prevention and Suppression of Violence against Women and Young Girls in the Family and Partnership Relations and ensure its effective implementation (Republic of Moldova);**

113.44 **Formulate and implement systematic measures towards the eradication of stereotypes of women in society, creating a climate of zero tolerance for violence against women (Slovenia);**

113.45 **Continue efforts to combat discrimination against women and all forms of violence against women, including domestic violence (Tunisia);**

113.46 **Redouble efforts to effectively prevent all forms of violence against women (Indonesia);**

113.47 **Take efforts to combat gender-based violence, such as violence in family and partner relationships, sexual harassment and rape (Kyrgyzstan);**

113.48 **Monitor and step up efforts to implement the legislation on domestic and gender-based violence and strengthen support for victims (Czechia);**

113.49 **Take further measures to combat domestic violence by, inter alia, establishing shelters and supporting centres with medical, psychological and legal support (Austria);**

113.50 **Continue its efforts to combat domestic violence (Gabon);**

113.51 **Continue the promotion of educational policies against violence, particularly physical and gender-based violence against women and children (State of Palestine);**

113.52 **Continue efforts to effectively protect women and children against violence, particularly by considering running an awareness-raising campaign in this respect (Poland);**

113.53 **Complete efforts in order to effectively protect children from violence and abuse (Greece);**

113.54 **Work towards the deinstitutionalization of children with disabilities and the removal of barriers that hinder the effective access of children with disabilities to education (New Zealand);**

113.55 **Continue efforts to guarantee non-discrimination against persons with disabilities and adopt appropriate measures to ensure equal opportunities for them in education, employment and access to housing (Mexico);**

113.56 **Continue to strengthen legislative mechanisms on the protection of the rights of persons with disabilities (Russian Federation);**

113.57 **Work to protect cultural heritage in Serbia and respect diversity (Lebanon);**

113.58 **Implement effective public policies to combat discrimination and ensure effective access to education and health-care services to ethnic minorities in the country (Mexico);**

113.59 **Strengthen its efforts to promote respect for the rights of minorities, especially its national and ethnic minorities (Philippines);**

113.60 **Continue the work in the area of combating discrimination against national minorities (Russian Federation);**

113.61 **Take further measures to upgrade the legislation on the promotion and protection of the rights of persons belonging to national minorities and ensure its implementation (Bulgaria);**

113.62 Work closely with the relevant stakeholders, such as the National Minorities Councils, to ensure the effective implementation of the Action Plan for the Realization of the Rights of National Minorities (Singapore);

113.63 Develop and promote strategies aimed at promoting tolerance for persons belonging to ethnic, national, racial, religious and other minorities (Sierra Leone);

113.64 Step up its efforts to promote tolerance for persons belonging to ethnic, religious and other minorities (Timor-Leste);

113.65 Continue to intensify efforts to promote tolerance towards persons belonging to ethnic, national, racial, religious and other minorities, including Roma (Bolivarian Republic of Venezuela);

113.66 Intensify the work for the promotion of tolerance towards persons belonging to ethnic, national, racial, religious and any other minorities, including Roma (Uruguay);

113.67 Take the necessary steps to ensure the rights of minorities, particularly the Roma (Afghanistan);

113.68 Increase efforts to promote tolerance towards people belonging to ethnic and national minorities, including the Roma, and to do so through awareness-raising campaigns (Chile);

113.69 Continue efforts to promote the educational and economic level of national minorities and to help them integrate into society (Egypt);

113.70 Increase efforts to promote tolerance towards people belonging to ethnic, national, racial and religious minorities, particularly the Roma (Côte d'Ivoire);

113.71 Continue to ensure non-discriminatory and adequate maternal health care for Roma mothers and young children (Maldives);

113.72 Improve the human rights situation of the Roma minority (Mozambique);

113.73 Ensure the effective integration of Roma people into Serbian society (Germany);

113.74 Establish an efficient and coordinated system for the integration of refugees into society (Germany).

114. The following recommendations will be examined by Serbia, which will provide responses in due time, but no later than the thirty-eighth session of the Human Rights Council:

114.1 Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Uruguay);

114.2 Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Bolivarian Republic of Venezuela);

114.3 Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Albania);

114.4 Increase efforts to ratify the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families (Chile);

114.5 Finalize the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Afghanistan);

114.6 Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Honduras);

114.7 **Accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Sierra Leone);**

114.8 **Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Costa Rica);**

114.9 **Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Slovakia);**

114.10 **Issue an open, standing invitation to the special procedures of the Human Rights Council (Ukraine);**

114.11 **Adopt an open, merit-based selection process when selecting national candidates for United Nations treaty body elections (United Kingdom of Great Britain and Northern Ireland);**

114.12 **Amend the Criminal Code in order to explicitly criminalize racism and discrimination based on sexual orientation and gender identity (Uruguay);**

114.13 **Take the necessary measures to incorporate the crime of enforced disappearance into national legislation and establish an adequate legislative framework to enable access to the files related to cases of enforced disappearance and other human rights violations (Argentina);**

114.14 **Establish a national human rights institution in accordance with the Paris Principles (Ukraine);**

114.15 **Accelerate the process of amending national legislation in line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Georgia);**

114.16 **Strengthen the mandate and independence of its Ombudsman's Office, ensuring that it is adequately resourced and that it can operate independently (Ireland);**

114.17 **Adopt a comprehensive law on children's rights and establish an office of the Ombudsman for Children (Mongolia);**

114.18 **Increase the funding for the national preventive mechanism within the budget of the Ombudsman's Office and set up a separate national preventive mechanism unit or department within the Ombudsman's Office (The former Yugoslav Republic of Macedonia);**

114.19 **Ensure swift and smooth adoption of the bill on a children's ombudsmen (Slovakia);**

114.20 **Guarantee the independence and strengthen the legal capacities of the Ombudsman by including in domestic legislation measures that would allow for proper interaction with the international human rights system and civil society organizations (Costa Rica);**

114.21 **Take all the necessary measures to ensure the full and effective implementation of the law on anti-discrimination, in particular with regard to national minorities, which remain the most vulnerable and socioeconomically marginalized (Switzerland);**

114.22 **Increase efforts to promote tolerance for persons belonging to ethnic, national, racial, religious or other minorities and address hate speech, discrimination and hate crime more effectively (Croatia);**

114.23 **Take additional serious measures to combat xenophobia, hate speech and discrimination based on race, nationality, ethnicity and religion (Kyrgyzstan);**

114.24 **Continue to strengthen the fight against incitement to violence and discrimination against vulnerable groups and ensure that crimes motivated by prejudice are investigated and their perpetrators punished (Bolivarian Republic of Venezuela);**

114.25 **Improve policies aimed at preventing and combating racial discrimination (Mozambique);**

114.26 **Develop educational materials that promote pluralism for combating ethnic polarization and discrimination (Albania);**

114.27 **Increase Serbia's tolerance towards people belonging to different ethnic, national or religious backgrounds and provide internally displaced persons with the necessary identification documents to receive basic services (State of Palestine);**

114.28 **Ensure that all children born in Serbia have access to timely birth registration immediately after birth, without discrimination and regardless of the legal or documentation status of their parents (Brazil);**

114.29 **Strengthen efforts to eliminate discrimination on the basis of sexual orientation and gender identity (Czechia);**

114.30 **Ensure full implementation of the law on gender equality (Latvia);**

114.31 **Harmonize gender equality to guarantee equal rights for men and women (Turkmenistan);**

114.32 **Strengthen measures to combat all forms of social stigmatization, discrimination and violence against persons based on their sexual orientation, gender identity and HIV status (Portugal);**

114.33 **Take concrete steps to protect lesbian, gay, bisexual, transgender and intersex people and their freedom of assembly and expression, and to eradicate all forms of discrimination and violence based on sexual orientation and gender identity (New Zealand);**

114.34 **Improve measures aimed at eradicating all forms of social stigmatization, discrimination and violence on the basis of sexual orientation, gender identity and HIV status (Honduras);**

114.35 **Strengthen discrimination protections for lesbian, gay, bisexual, transgender and intersex persons, and enact legislation that includes protection from discrimination on the grounds of intersex status (Australia);**

114.36 **Strengthen measures to eradicate all forms of social stigmatization, discrimination and violence against persons based on their sexual orientation and gender identity (Iceland);**

114.37 **Increase the Government's control over Serbian companies operating abroad, particularly any negative impact of their activities on the protection of human rights, especially in conflict zones, including cases of foreign occupation, where there are heightened risks of human rights violations (State of Palestine);**

114.38 **Actively engage with the international community in efforts to promote and protect human rights in the context of climate change (Viet Nam);**

114.39 **Take all the necessary steps to prevent impunity for serious crimes under international law and to further increase efforts to shed light on the fate of missing persons (Netherlands);**

114.40 **Strengthen the fight against impunity for war crimes, in particular by accelerating investigations and prosecution, including high-level cases, and by ensuring access to justice and reparation to victims without discrimination and in line with the international standards (Croatia);**

114.41 **Cooperate fully with the International Residual Mechanism for Criminal Tribunals and implement the National Strategy for the Prosecution of War Crimes (Sweden);**

114.42 **Implement fully the National Strategy for the Prosecution of War Crimes, beginning by defining clear and specific priorities (Switzerland);**

114.43 **Initiate a vetting process to identify all government officials who have allegedly been involved in the commission of war crimes (Albania);**

114.44 **Fully investigate and hold accountable those responsible for the 1999 murder of the Bytyqi brothers (United States of America);**

114.45 **Ensure the full cooperation with the International Residual Mechanism for Criminal Tribunals, as the successor to the International Criminal Tribunal for the former Yugoslavia (Belgium);**

114.46 **Take measures to guarantee the prosecution of those who participate in war crimes and to secure proper redress for the victims (Costa Rica);**

114.47 **Increase efforts to protect human rights defenders and to put an end to the impunity of those who violate their rights (Côte d'Ivoire);**

114.48 **Strengthen investigative measures and punishment of the perpetrators of hate crimes motivated by prejudice (Argentina);**

114.49 **Apply more efficiently the legislation against hate speech, given reports of the continued rise in hate speech in Serbian public discourse (Norway);**

114.50 **Ensure full access to all information, including access to archives, to enable the tracing, identifying and ascertaining of the fate of missing persons or their remains (Croatia);**

114.51 **Consider introducing the legislative amendments necessary to broaden the definition of victims of enforced disappearance to include the relatives of a disappeared person (Slovakia);**

114.52 **Ensure that police, prosecutors and the judiciary are all fully aware of their responsibilities with regard to the identification, prosecution and adjudication of hate crimes (Belgium);**

114.53 **Take measures to strengthen the rule of law, including through a full and public enquiry into the police and municipal authorities' alleged involvement in the Belgrade Waterfront night-time demolitions, the so-called Savamala case in the city centre in April 2016 (Canada);**

114.54 **Strengthen the legal framework for the fight against corruption and strengthen the powers and resources of the anti-corruption agency (France);**

114.55 **Take timely action to provide media workers with protection and ensure that perpetrators of crimes against media workers are duly investigated, prosecuted and sanctioned (Ireland);**

114.56 **Adopt measures to protect and promote freedom of expression, including freedom of speech and information, and ensure that journalists and human rights defenders are able to work freely and safely (Italy);**

114.57 **Enhance laws on media freedom (Lebanon);**

114.58 **Ensure the full implementation of the media laws that were adopted in 2014, as part of the necessary steps that need to be taken to improve media freedom and the protection of journalists (Netherlands);**

114.59 **Implement reforms on media ownership and revenues, with the aim of guaranteeing transparency and a level playing field for the media, regardless of ownership and affiliations (Norway);**

114.60 **Strengthen the effectiveness of action taken to enhance editorial independence and media pluralism (Poland);**

114.61 **Effectively guarantee the freedom of the press by ensuring the safety of journalists and their activities, and the independence of the media's editorial boards (Republic of Korea);**

114.62 **Support the independence and pluralism of the media, including by creating transparency regarding the financing of media and media ownership, and by comprehensive implementation of the law on the privatization of the media (Germany);**

114.63 **Take the necessary measures to ensure that the media regulator can operate effectively and in complete independence (Belgium);**

114.64 **Conclude the work on a new media strategy, in full partnership with civil society, and ensure that the strategy is in conformity with Serbia's international obligations and is fully implemented once adopted (Sweden);**

114.65 **Enhance laws protecting freedom of expression (Lebanon);**

114.66 **Enhance efforts regarding the protection and promotion of the freedoms of expression and of the press (Brazil);**

114.67 **Conduct prompt and impartial investigations into all allegations of crimes against journalists and the media and bring the perpetrators to justice (Slovakia);**

114.68 **Take steps to enable the exercise of freedom of expression, including by improving transparency of media ownership and financing, and investigating and prosecuting cases of intimidation of and violence against journalists (Australia);**

114.69 **Conduct impartial, thorough and effective investigations into all cases of attacks, harassment and intimidation against journalists and human rights defenders, and bring perpetrators of such offences to justice (Germany);**

114.70 **Ensure that all threats, intimidation and attacks against journalists and human rights defenders are thoroughly investigated, ensuring no impunity for perpetrators (United Kingdom of Great Britain and Northern Ireland);**

114.71 **Ensure thorough, prompt and independent investigations into all reports of human rights violations against human rights defenders and journalists and bring to justice those suspected of committing such crimes (Greece);**

114.72 **Refrain from prosecuting journalists, human rights defenders and other members of civil society as a means of deterring or discouraging them from freely expressing their opinions (Latvia);**

114.73 **Increase efforts to prevent cases of violence against journalists and media workers (Czechia);**

114.74 **Address threats and attacks against journalists and improve the transparency of media ownership and the independence of media outlets (Estonia);**

114.75 **Take steps to ensure conditions for the full exercise of freedom of expression, including by: (i) ensuring effective investigation and prosecution of alleged threats and attacks on journalists; and (ii) ensuring an equal opportunity for all media to access funding available from government sources (Canada);**

114.76 **Guarantee freedom of expression by combating intimidation of the media and civil society and by ensuring the transparency of media financing (France);**

114.77 **Ensure the safety of journalists and writers so that they can work freely, express critical opinions and cover topics that the Government might deem sensitive, without fear of reprisals (Switzerland);**

114.78 **Fully investigate incidents of serious threats and violence against journalists and civil society activists, and hold the perpetrators accountable (United States of America);**

114.79 **Foster an enabling environment where freedom of expression can be exercised without hindrance and ensure that all threats and violence against journalists and bloggers are publicly condemned and properly and promptly investigated (Austria);**

114.80 **Recognize the important role of human rights defenders, many of whom face particular risks and threats, and provide practical support for them to carry out their human rights work, including by preventing any acts of reprisal or intimidation against them (New Zealand);**

114.81 **Protect human rights defenders by initiating independent, impartial and effective investigations into threats against them (Republic of Korea);**

114.82 **Guarantee political pluralism by ensuring access for all parties to the media and to funding and by strengthening the power of independent institutions for the protection of the rights of citizens (France);**

114.83 **Adopt measures to fully apply the principle of equal pay for work of equal value, bearing in mind the gender wage gap (Portugal);**

114.84 **Step up efforts towards meeting the goal of improving housing conditions for those most in need (Greece);**

114.85 **Further develop the provision of health-care services, including mental health care, in prisons (Portugal);**

114.86 **Consider the possibility of elaborating programmes to provide inclusive education (Belarus);**

114.87 **Review and revise the Criminal Code, the Family Code and other relevant laws with a view to effectively preventing all forms of violence against women (Estonia);**

114.88 **Improve legislation and laws related to domestic violence (Iraq);**

114.89 **Establish legislative and other measures to protect children from abuse and violence (Kyrgyzstan);**

114.90 **Establish legislative and other measures to ensure compliance with the general protocol on the protection of children from abuse and violence (Estonia);**

114.91 **Enact legislation to explicitly prohibit corporal punishment of children in all settings, including at home (Montenegro);**

114.92 **Explicitly prohibit corporal punishment of children in legislation (Portugal);**

114.93 **Prohibit by law corporal punishment of children, including in the family (Austria);**

114.94 **Adopt all necessary measures to eradicate corporal punishment of boys and girls (Chile);**

114.95 **Seriously consider prohibiting in its legislation any type of corporal punishment, promoting non-violent disciplinary alternatives and generating public awareness of the harmful effects of corporal punishment, in line with the recommendations made by Uruguay during the second cycle and accepted by Serbia (Uruguay);**

114.96 **Adopt the planned legislative amendments to explicitly prohibit all corporal punishment of children, in all settings (Slovenia);**

114.97 **Strengthen further implementation of the deinstitutionalization process, with particular focus on children without parental care under age of 3 (Montenegro);**

114.98 **Adopt specific measures to prevent and combat multiple and intersectional discrimination against women and girls with disabilities, in**

particular in access to justice, protection against domestic violence and abuse, and in education, health and employment (Honduras);

114.99 **Continue the efforts aimed at improving the conditions for persons belonging to national minorities to preserve and develop their own culture and to have access to education, religious services and media in their own languages throughout the entire territory of Serbia (Romania);**

114.100 **Further promote the effective participation of national minorities, especially the Roma minority, in electoral processes and their representation in public administration (The former Yugoslav Republic of Macedonia);**

114.101 **Consider adopting a law on racial discrimination and continue efforts to combat racial discrimination and hate speech against foreigners and minorities, particularly the Roma (Tunisia);**

114.102 **Redouble its efforts in the promotion of tolerance towards persons belonging to ethnic, national, racial, religious and other minorities, including Roma (Honduras);**

114.103 **Take further measures to overcome the prevailing discrimination against Roma in the enjoyment of economic, social and cultural rights (Albania);**

114.104 **Ensure the full implementation of the new strategy for Roma inclusion and adopt the action plan promptly (Austria);**

114.105 **Continue the efforts to enable tangible progress in combating trafficking in persons (Turkmenistan);**

114.106 **Increase human and financial resources dedicated to the office for the coordination of measures against trafficking in persons, to help drive national improvements in support of achieving target 8.7 of the Sustainable Development Goals (United Kingdom of Great Britain and Northern Ireland);**

114.107 **Continue efforts to combat human trafficking, particularly trafficking of unaccompanied migrant children (Tunisia);**

114.108 **Continue increasing the actions to combat trafficking in persons, especially women and children, and reinforce measures to prevent and improve the detection of these cases (Bolivarian Republic of Venezuela);**

114.109 **Strengthen measures to prevent and combat trafficking in persons, paying special attention to migrants and refugees (Honduras);**

114.110 **Strengthen measures to combat and eliminate trafficking in persons, particularly migrants and refugees (Sierra Leone);**

114.111 **Promote efforts to prevent and combat human trafficking, particularly of refugees and migrants (State of Palestine);**

114.112 **Strengthen its measures to prevent and combat trafficking in persons, with a specific focus on migrants and refugees (Timor-Leste);**

114.113 **Strengthen measures to prevent and combat trafficking in persons, placing a specific focus on migrants and refugees, in line with the Human Rights Committee's recommendation (Ukraine);**

114.114 **Intensify efforts to prevent and combat trafficking in persons, focusing on migrants and refugees (Indonesia);**

114.115 **Improve special procedures for asylum seekers (Iraq);**

114.116 **Adopt a comprehensive policy aimed at providing durable solutions for all internally displaced persons in Serbia, which would include local integration in a pragmatic way, taking into consideration return and settlement in other places, implementing the law on temporary and permanent residence in a holistic manner (Honduras).**

115. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

Composition of the delegation

The delegation of Serbia was headed by Ms. Suzana Paunović and composed of the following members:

- Ms. Suzana Paunović, Acting Director of the Office for Human and Minority Rights of Serbia, Head of delegation;
- Mr. Vladislav Mladenović, Ambassador, Permanent Representative of Serbia to the United Nations Office and other international organizations in Geneva;
- Ms. Ana Marija Viček, State Secretary in the Ministry of Education, Science and Technological Progress;
- Mr. Ivan Bošnjak, State Secretary in the Ministry of State Administration and Local Self Government;
- Mr. Ferenc Vicko, State Secretary in the Ministry of Health;
- Ms. Vesna Popović, Judge of Supreme Court of Cassation;
- Mr. Zoran Lazarov, Assistant Minister of the Interior;
- Mr. Čedomir Backović, Assistant Minister of Justice;
- Ms. Jasmina Kiurski, Deputy Public Prosecutor;
- Mr. Marko Nikolić, Acting Assistant Director of the Department for Cooperation with churches and religious communities, Ministry of Justice;
- Ms. Mirjana Nikolić, Coordinator in the Department for Human Rights and Humanitarian Affairs, Ministry of Foreign Affairs;
- Ms. Aleksandra Stepanović, Head of Department in the Administration of Criminal Justice Unit;
- Ms. Snežana Pečenčić, Head of Department for Legal Affairs, Projects, Financing and Registration of Foreign Reporters, Ministry of Culture and Information;
- Mr. Milan Andrić, Coordinator for Strategic Planning and Development, Ministry of the Interior;
- Mr. Vladimir Vukićević, Human Rights Consultant, Ministry of Justice;
- Ms. Branislava Mitrović, Independent Counsellor, Office for Kosovo and Metohija;
- Ms. Svetlana Velimirović, Deputy Commissioner for Refugees and Migrations;
- Mr. Dragan Vulević, Head of Department, Ministry of Labour, Employment, Veteran and Social Affairs;
- Ms. Biljana Stojković, Ministry of Labour, Employment, Veteran and Social Affairs;
- Ms. Ljiljana Lončar, Counsellor to the Deputy Prime Minister for Gender Equality;
- Ms. Aleksandra Đorđević, Counsellor, Ministry of Culture and Information;
- Ms. Jasna Plavšić, Head of Group for Anti-Discrimination Policy, Office for Human and Minority Rights;
- Ms. Svetlana Đorđević, Independent Counsellor, Office for Human and Minority Rights;
- Ms. Tanja Srećković, Counsellor, Office for Human and Minority Rights;
- Ms. Kristina Brković, Counsellor, Office for Human and Minority Rights;

- Mr. Dušan Ignjatović, Consultant, Office for Human and Minority Rights;
- Mr. Vladan Lazović, First Counsellor, Permanent Mission of Serbia to the United Nations Office and other international organizations in Geneva;
- Ms. Antonia Jutronić, Officer, Permanent Mission of Serbia to the United Nations Office and other international organizations in Geneva.

United Nations A/HRC/38/18

General Assembly

Distr.: General
18 April 2018

Original: English

Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda items 2 and 3
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Procedures and practices in respect of civil society engagement with international and regional organizations

Report of the United Nations High Commissioner for Human Rights

Summary

In its resolution 32/31, the Human Rights Council requested the United Nations High Commissioner for Human Rights to prepare a report compiling information on procedures and practices in respect of civil society involvement with regional and international organizations, including United Nations bodies, agencies, funds and programmes, and the contribution of civil society to their work, challenges and good practices.

The present report highlights the important role played by civil society in terms of advocacy, expertise and implementation in its engagement with regional and international organizations. It summarizes good practices adopted by some of those organizations in terms of civil society participation, including in relation to accreditation, access to information and accountability mechanisms. The report also identifies the challenges that civil society encounters in its engagement, such as reprisals, lack of transparency and access and limited diversity in civil society representation. On the basis of international human rights norms, the report recommends that regional and international organizations establish clear and effective channels for meaningful and equal civil society participation and engagement.

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I. Introduction

1. The Human Rights Council, in its resolution 32/31, emphasized the essential role of civil society in subregional, regional and international organizations. In that regard, the Council reaffirmed the right of everyone, individually and in association with others, to unhindered access to and communication with subregional, regional and international bodies, and their representatives and mechanisms. The Council further asserted that civil society facilitated the achievement of the purposes and principles of the United Nations and that undue restriction of civil society space therefore had a negative impact upon their achievement. In that respect, the Council requested the United Nations High Commissioner for Human Rights to prepare a report compiling information on the procedures and practices in respect of civil society involvement with regional and international organizations, and the contribution of civil society to their work and challenges and best practices.

2. According space to civil society is not optional. Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the community, national, regional and international levels, to exercise the freedoms of opinion and expression, of peaceful assembly and association, and to have access to information and participate in public affairs. International law also protects the lives, liberty, physical integrity and privacy of civil society actors. Article 5 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (the Declaration on Human Rights Defenders) recognizes the right of everyone, individually and in association with others, at the national and international levels, to communicate with civil society and intergovernmental organizations.

3. Human rights impose obligations on States to respect, protect and fulfil the rights of every individual to freedom of opinion and expression, access to information, peaceful assembly and association and the right to participate in public affairs and to protect individuals from interference, including by non-State actors. Those rights apply to domestic and other levels of decision-making, including in the intergovernmental sphere.[1] United Nations entities have to respect the norms and freedoms they helped to enshrine in human rights instruments, including the rights and freedoms that are indispensable for civil society to develop and operate. More and more decisions that affect the lives of ordinary people — sometimes profoundly — are taken at the regional and international levels, including in United Nations forums. In practice, having unhindered rights to form or join groups, have access to information, express one's views and participate in decision-making is indispensable for effective civil society engagement at all levels. Limiting meaningful and effective participation of civil society essentially silences the voices of the people whom the organizations are meant to serve.

4. The Human Rights Council, in its resolution 32/31, recognized the crucial importance of unhindered access to international and regional processes and of transparency and accountability at all levels, which are indispensable for building peaceful, prosperous and democratic societies. In a statement to the Council, the Secretary-General asserted that the Council's growing engagement with civil society strengthened much of its work and was especially vital at a time when civil society space was shrinking in so many places.[2] He also noted the vital role of civil society on the Sustainable Development Goals,[3] Goal 16 of which called for the promotion of peaceful and inclusive societies for

[1] See also paragraph 5 of Human Rights Committee general comment 25 (1996) on participation in public affairs and the right to vote, in which the Committee recognized that the right to take part in the conduct of public affairs covered "the formulation and implementation of policy at international, national, regional and local levels".

[2] See www.un.org/sg/en/content/sg/statement/2017-02-27/secretary-generals-remarks-human-rights-council-scroll-down-french.

[3] See www.un.org/development/desa/en/news/ecosoc/civil-society-engagement-for-sdgs.html.

sustainable development, the provision of access to justice for all and building of effective, accountable and inclusive institutions at all levels (target 16.6), and for ensuring responsive, inclusive, participatory and representative decision-making at all levels (target 16.7).

5. The present report is based on 82 written submissions received by the Office of the United Nations High Commissioner for Human Rights (OHCHR) following its requests for inputs sent on 31 November 2016 to Member States, national human rights institutions, civil society organizations and international and regional organizations.

II. How civil society contributes to the work of regional and international organizations

6. The contribution of civil society to the work of the United Nations was recognized right from the preamble of the Charter of the United Nations. In article 71, the Charter established that the Economic and Social Council should work to support civil society participation within the United Nations system. The rules and procedures of other regional and international multilateral organizations drew on the Charter in relation to civil society engagement. Other entities had developed specific procedures and arrangements for civil society engagement — generally conditioned on the assumption that their aims were compatible with the purpose and mandate of the international or regional entity.

7. Civil society organizations brought local and national concerns to the attention of the international community and advocate for change, thus connecting the international stage with local levels. Civil society had been instrumental in raising awareness of women's rights and gender equality at the regional and international levels, and in empowering and giving voice to those in the most severe situations of marginalization and vulnerability. It had also contributed to challenging social norms and the organizational culture of regional and international organizations.

8. Several multilateral institutions had highlighted the key contribution that civil society makes to their work, including: (a) by encouraging people-led processes in the "localization" of the Sustainable Development Goals, in the case of the United Nations Human Settlements Programme (UN-Habitat); (b) by building information and knowledge communities, in the case of the International Telecommunications Union (ITU); (c) by creating partnerships around complex societal issues, in the case of the United Nations Office on Drugs and Crime (UNODC); and (d) by influencing non-State actors, in the case of the World Health Organization (WHO).

A. Advocacy and awareness-raising

9. International institutions attached great importance to the advocacy efforts of civil society partners that gave a voice to those most exposed to human rights violations. For instance, the Food and Agriculture Organization of the United Nations (FAO) referred to the critical role of civil society in relation to hunger and extreme poverty in complex humanitarian disasters. The Joint United Nations Programme on HIV/AIDS (UNAIDS) stressed that civil society played a crucial role in responding to global health issues like AIDS. The Department of Economic and Social Affairs recalled that civil society organizations contributed to strengthening the participation of the most underrepresented and excluded from decision-making, and considered the advocacy efforts and contributions by major groups and other stakeholders to be central to the transformative nature of the 2030 Agenda for Sustainable Development. The United Nations Office for Disarmament Affairs highlighted the ability of civil society to mobilize victims and raise awareness on the issues affecting them, often by forming civil society networks for collective advocacy. According to the Peacebuilding Support Office, civil society had played a critical advocacy role in the adoption of Security Council resolution 2250 (2015), including as key partners in mobilizing young people. According to the organization Task Team CSO Development, civil society organizations also raised awareness at the country level by advocating for concrete actions to implement global-level commitments.

B. Expertise and knowledge

10. The knowledge and expertise that civil society organizations contributed were distinguishing assets in policymaking, advisory services, meetings, panels and various intergovernmental negotiations. Civil society informed the debate and injects knowledge, including from communities, into decision-making structures and programmes at the regional and international levels. Moreover, civil society think tanks and knowledge hubs produced valuable educational resources based on research and aggregated data. Civil society organizations had indeed grown to establish a system of international pressure on the development of human rights.[4] For example, the International Campaign to Abolish Nuclear Weapons, a civil society organization of some 400 groups, had received the 2017 Nobel Prize for Peace for supporting the negotiation and adoption of the Treaty on the Prohibition of Nuclear Weapons. Furthermore, the International Coalition for Sustainable Aviation had contributed to the work of the International Civil Aviation Organization (ICAO) Committee on Aviation Environmental Protection on technical issues, including the development of standards.

C. Implementation, monitoring and evaluation

11. Civil society had the added advantage of having close links with grass-roots organizations and individuals, and could therefore help to increase the effectiveness of United Nations interventions at the local level. The International Fund for Agricultural Development had worked with civil society on the design and implementation of projects, while FAO noted that civil society organizations often operated in complex humanitarian disasters where Governments did not have the immediate capacity to provide adequate services, for example, in food production. UNAIDS noted that civil society organizations monitored and reported on countries' progress towards achieving global AIDS targets and also acted as providers of HIV prevention, treatment, care and support services. The strengthening of civil society partnerships on project planning and implementation had made strides in peacebuilding. For example, the Gender and Youth Promotion Initiative of the Peacebuilding Support Office, through its Peacebuilding Fund, supported civil society organizations as direct recipients of funding for peacebuilding, thus promoting the implementation of joint projects on sustaining peace, among others.

12. Certain multilateral organizations included civil society organizations in shaping programmatic aspects of their work. The World Summit on the Information Society Forum was a unique gathering where the programme and agenda were completely crowdsourced by stakeholders. At the United Nations Educational, Scientific and Cultural Organization (UNESCO), civil society organizations could contribute fully, individually and collectively to objectives, priorities and the programming cycle, including specifically the draft medium-term strategy and the draft programme and budget. To craft the agenda of the Forum on Human Rights, Democracy and the Rule of Law, OHCHR called for inputs from a wide range of stakeholders and used the suggestions received to identify the main topics for discussion.

III. Procedures and practices related to civil society engagement in regional and international organizations

13. The United Nations was recognized as a unique and precious global meeting place.[5] On the basis of the inputs received, the present report describes the procedures and practices of regional and international organizations in terms of civil society engagement,

[4] See W. Korey, *NGOs and the Universal Declaration of Human Rights* (Palgrave Macmillan, 1998), p. 18.

[5] See W. Foster and A. Anand (eds), *Whose World is it Anyway? Civil Society, the United Nations and the multilateral future* (United Nations Assn, 1999), p. 45.

around participation, access to information and capacity development. It also highlights specific examples, where relevant.[6]

A. Regulatory and institutional frameworks for civil society engagement

14. Most regional and international entities had procedures in place that enabled the participation of accredited civil society representatives, including in their governing bodies, to varying degrees. For example, FAO adopted its internal Policy and Strategy for Cooperation with Non-Governmental and Civil Society Organizations, while WHO had its Framework of Engagement with Non-State Actors. The Council of Europe had recognized as an institution the Conference of International Non-Governmental Organisations,[7] which participated actively in the development of the Guidelines for civil participation in political decision-making, adopted in September 2017.[8]

15. At the same time, civil society organizations regularly faced challenges that hampered their effective and meaningful participation, including bureaucratic obstacles, even once they had received accreditation.[9] Some forums and meetings were closed, with no space for engagement. While in some cases it might be justified to hold closed meetings owing to confidential and security-sensitive information, such restrictions to civil society participation should be necessary, based on explicit rules and proportionate. As the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression noted in his 2017 report, each institution should identify how the restrictions applicable under human rights law applied in their particular context (see A/72/350, para. 21).

16. Some multilateral organizations had established advisory boards to guide them on areas of specific focus. The United Nations Development Programme (UNDP) Civil Society Advisory Committee contributed to all aspects of the work of UNDP and systematized consultations between it and civil society, as the main institutional mechanism for dialogue on strategy and policy. UNAIDS had been the first United Nations programme to have formal civil society representation on its governing body, the Programme Coordinating Board. At the United Nations Population Fund (UNFPA), a global non-governmental organization (NGO) advisory panel for the Executive Director had been set up to strengthen partnerships with civil society organizations in relation to the Fund's advocacy strategies and specific initiatives. UN-Habitat had established two advisory boards to guide the Executive Director: the Youth Advisory Board and the Advisory Group on Gender Issues. UNESCO had a unique NGO liaison committee on collective cooperation, which allowed it to exchange information among NGOs and for coordinated actions. In its founding regulation, the European Union Fundamental Rights Agency had established a fundamental rights platform as a mechanism for the exchange and pooling of knowledge, which facilitated cooperation with and between more than 350 civil society organizations from across the European Union, working on a diverse range of fundamental rights issues.[10]

17. Several regional and international organizations had established dedicated civil society units or functions, mostly for communication and outreach, that provided support with respect to access to information and capacity development. For example, the United Nations Environmental Programme (UNEP) Civil Society Unit supported accreditation requests, while the NGO Liaison Unit of the United Nations Office at Geneva facilitated information-sharing with its 1,500 civil society contacts, and through briefing sessions. At UNODC, the Civil Society Team managed an online database of some 3,240 NGOs working on drugs and crime-related issues, while the International Organization for

[6] See also A/69/365.

[7] Civic Space Initiative.

[8] Available at https://rm.coe.int/guidelines-for-civil-participation-in-political-decision-making-en/16807626cf.

[9] Congregation of Our Lady of Charity.

[10] Civic Space Initiative.

Migration had a dedicated liaison unit that supported and worked with regional civil society organizations. At the United Nations Children's Fund (UNICEF), several staff members at headquarters focused specifically on various aspects of civil society engagement and manage partnerships.

B. Accreditation

18. Accreditation was a common requirement for civil society organizations to gain access to meetings and events of regional and international institutions, especially those of an intergovernmental nature. Most international organizations required civil society organizations to have either consultative status, specialized consultative status or liaison status, which determined the level of engagement accorded to civil society. Invariably, those who did not possess such a status were denied accreditation to participate in meetings and access to meeting venues. Consultative status was usually granted to groups and not to individuals, thus the affiliation of individuals or private persons with an organization that had consultative status was a precondition for their participation.

19. The NGO Branch of the Department of Economic and Social Affairs provided secretariat support to the Economic and Social Council Committee on Non-Governmental Organizations, the intergovernmental body responsible for granting consultative status with the Council to NGOs. That status, in turn, was the basis for gaining access to meetings, such as those of the Human Rights Council, ad hoc processes on small arms, the Economic and Social Council subsidiary bodies, as well as special events organized by the President of the General Assembly. Different rules applied to different submechanisms, where for example, no accreditation was required for engaging with the special procedures of the Human Rights Council. The Department of Public Information had delegated authority from the Economic and Social Council to give accreditation, although it did not confer consultative status. According to the Department of Economic and Social Affairs, over 4,800 organizations had consultative status with the Economic and Social Council, and the demand for that status remained high. For instance, new applications had increased by 26 per cent in 2016 and by 19 per cent in 2017, of which 40 per cent had been from NGOs in developing countries. This pointed to an increase in interest by organizations to contribute to global discussions in intergovernmental forums.

20. Several Member States,[11] regional organizations and civil society organizations highlighted the Economic and Social Council accreditation procedure as a considerable obstacle to the involvement of civil society in United Nations forums. Deferrals that amounted to de facto rejections seemed to target disproportionately civil society that worked on human rights-related issues. In her 2014 report, the Special Rapporteur on the rights to freedom of peaceful assembly and of association noted that, out of 48 organizations that had had their accreditations repeatedly deferred, 46 worked on human rights issues, such as children and women's rights, minorities and country situations (see A/69/365, para. 74). She condemned such practices and insisted that States and the United Nations had a legal obligation to strengthen civil society participation within the United Nations, including by ensuring that people could exercise their rights to freedom of peaceful assembly and of association in multilateral arenas (ibid. para. 57). It was reported that some decisions had been deferred for up to nine years before eventually being rejected, while some were still awaiting final determination.[12]

21. One commentator noted that the practice of the Committee on Non-Governmental Organizations reflected the growing restrictions placed on civil society globally, while at the very time restrictions at the national level made access to the United Nations all the

[11] See, for example, submissions by the Governments of the United States of America, Ireland and Switzerland.

[12] For example, World Uyghur Congress, Alkarama (since 2015), Christian Solidarity Worldwide (since 2009), Committee to Protect Journalists (since 2012) and International Dalit Solidarity Network (since 2008). The application of Journalists and Writers Foundation was withdrawn by the Department of Public Information.

more crucial.[13] Some submissions suggested that certain accreditation practices had become politicized[14] and might constitute a form of reprisals.[15] For example, the process of asking questions during meetings of the Committee was identified as a means to block critical voices, which resulted in repeated deferrals of and de facto rejections of applications for consultative status with the Economic and Social Council,[16] reportedly targeting civil society organizations because of their engagement with the United Nations human rights mechanisms and other regional and international organizations.

22. Submissions also pointed to the lack of transparency and accountability in relation to the granting of consultative status and the lack of due process and grievance mechanisms with respect to the recommendations on applications for consultative status by the Committee on Non-Governmental Organizations. The Secretary-General, in his report on cooperation with the United Nations, urged the Committee to apply the criteria for assessing organizations in a fair and transparent manner, in their decisions regarding granting accreditation to civil society organizations, and their working methods in general (see A/HRC/33/19, para. 15). In article 56 of its resolution 1996/31, the Economic and Social Council stated that written reasons or justifications for decisions should be given and civil society should have an opportunity to present its response for appropriate consideration by the Committee. However, a number of cases where aggrieved stakeholders were not provided with sufficient justification had been reported. The lack of transparency made it impossible to judge whether decisions were taken in a non-discriminatory manner. There was also no avenue to appeal the lack of compliance by the Committee with the very provisions that governed it.[17] In a welcome development, however, at its April 2017 coordination and management meeting, the Council decided that future sessions of the Committee would be webcast in order to increase transparency of its proceedings.

23. Concerns also were raised about States citing alleged links to terrorism and other security concerns to hamper the participation or accreditation of civil society organizations.[18] For instance, several contributors pointed out that certain organizations, including women human rights defenders, had been prevented from participating in the Commission on the Status of Women at its sixty-first session, owing to visa denials, security and other concerns.[19]

24. At some organizations, like FAO, different organizational bodies were responsible for granting various accreditation statuses. UNODC required an application for observer status in addition to accreditation by the Economic and Social Council. Some entities had their own accreditation processes independent of the Council, like the Permanent Forum on Indigenous Issues. The Open-ended Working Group on Ageing, on the other hand, allowed for participation without accreditation by the Council. The Council of ICAO decided on participation primarily through conferring ad hoc observer status to civil society organizations.

25. The rules on granting civil society organizations accreditation to gain access to the sessions of the various subsidiary expert mechanisms established by the Human Rights Council encouraged the participation of civil society.[20] With a view to serving as a platform for dialogue and cooperation on relevant issues, those mechanisms were open to NGOs in consultative status with the Economic and Social Council as well as other NGOs whose aims and purposes were "in conformity with the spirit, purposes and principles of the Charter of the United Nations".

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[13] See www.freedom-now.org/wp-content/uploads/2016/05/ECOSOC-NGO-Committee-Reform-Letter.pdf. Similar concerns related to the politicization of the Committee were mentioned by UNDESA, Alkarama, International Dalit Solidarity Network and others.

[14] Submission by the Governments of the United States and Switzerland.

[15] Alkarama.

[16] Submissions by the Governments of the United States of America, Ireland and Switzerland.

[17] See O. de Frouville, *NGOs in International Law* (2008), chap. 2, "and yet the governmental structure of the Committee makes it impossible for it to fulfil its missions".

[18] Alkarama, Journalists and Writers Assoc.

[19] See also https://wilpf.org/at-the-csw61-wilpf-raises-issue-of-missingvoices-to-the-highest-level/.

[20] See Human Rights Council resolutions 6/13, 6/15, 6/36, 17/4, 28/14 and 33/25.

C. Access to and modalities of participation in meetings

26. Without the experiences of real people being reflected in debates, their needs, views and ideas would remain hidden and not be conveyed to decision makers. Civil society's participation in meetings was its primary channel of involvement with regional and international organizations, particularly in allowing invaluable access to State delegates.[21] Other forums, such as working groups, task force meetings and expert panels, allowed for specific and regular contributions by civil society. While multilateral institutions generally held open and public meetings, most required consultative status with the respective accrediting body. Other entities premised access on invitations, approval of the Chair, and/or "requests" of the delegates. In other instances, attendance was decided on a case-by-case basis, depending on the type, format and modalities of the meetings, which might vary between different United Nations entities and regional organizations. Customarily, most intergovernmental informal consultations on draft resolutions or decisions that were held in parallel to the plenary meetings were closed, with the exception of the informal consultations of the Human Rights Council, which were generally not closed.

27. In terms of specific examples, UN-Habitat permitted accredited civil society to attend dialogue sessions on specific themes during meetings of its Governing Council and had created several multi-stakeholder issue-based networks as vehicles to include civil society in normative and operational activities and programmes. Substantive presentations followed by a dialogue or discussion with Member States were possible at the invitation of the President of the Governing Council and with the approval of the Council. UNEP ensured that regional perspectives informed its work through annual regional meetings of civil-society organizations. UNODC had launched two regional anti-corruption platforms to spur further dialogue.

28. Despite the fact that the review mechanisms of the United Nations Convention against Corruption and the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption explicitly recognized the importance of civil society participation, representatives of civil society were excluded from their international meetings.[22] The involvement of civil society in the working methods of the Peacebuilding Commission was a welcome development, following the adoption in 2016 by the Security Council of its resolution 2282 (2016) and by the General Assembly of its resolution 70/262 on the review of the United Nations peacebuilding architecture. Civil society participation was common practice at the Peacebuilding Commission's country-specific configuration meetings. The review mechanism of the Istanbul Action Plan of the Organization for Economic Co-operation and Development (OECD) Anti-Corruption Network allowed civil society to attend its plenary meetings as active participants rather than observers. The Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the Aarhus Convention) permitted civil society participation in the meetings of parties, unless one-third of the parties objected. Several contributors called upon States to hold more open informal meetings that allowed civil society participation, including at the Security Council.

29. Contributors observed that the presence of civil society organizations was often most essential at those meetings where they could highlight the human rights, security and other issues within their home countries, and that those meetings, such as the universal periodic review, were also the very ones in which they were unable to participate.[23] In particular, the need to maintain access for civil society to global and regional policy development, planning and decision-making spaces applied to those entities working on issues related to women's rights[24] and the gender-responsive realization of the 2030 Agenda for Sustainable Development. The Department of Economic and Social Affairs noted that striking a balance between the requests of Member States and the legal requirements of resolutions with the

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[21] See P. Willetts (ed.), *The Conscience of the World: The Influence of Non-Governmental Organizations in the UN System* (Brookings Institution Press, 1996), p. 43.

[22] Transparency International.

[23] Government of the United States. Similar concerns were raised by many NGOs in their submissions.

[24] Equality Now, MADRE.

demands of stakeholders remained a complex undertaking. Regional investment banks, such as the European Investment Bank and the Asian Infrastructure Investment Bank, were cited as providing few avenues for public participation.[25] Many entities did not necessarily reflect and seek to address the gender-specific barriers, challenges and restrictions that women and girls — and those working on gender equality, including for lesbian, gay, bisexual, transgender, intersex and questioning persons — faced in their engagement.

30. Submissions described restrictions concerning the modalities of meetings, including those whereby civil society interventions could take place only following interactions with Member States, and that often the time left for civil society was limited. Other submissions included reports that States would invoke points of order,[26] block accreditation by unilaterally vetoing applications, including the withdrawal of status,[27] question the formal speaking role of organizations and interrupt representatives during formal interventions. Other means described included: the exclusion of civil society organizations on a "no objection" basis or de facto vetoes over their participation, including accredited organizations; using the General Assembly resolutions that determined the modalities for the meetings as a means to limit the type of civil society organizations that could participate; or, in many cases, limiting participation only to Member States.[28] It was suggested that the abuse of points of order could be addressed if bureau members or committee chairs called to order those States that interrupted civil society organizations.

31. The lack of predictability was highlighted as an obstacle to effective engagement. In some cases, the terms of participation at a meeting were at the discretion of its chair. For instance, while the rules and procedures of the Security Council provided many opportunities for NGO participation at its open sessions and its Arria meetings, access ultimately depended on which Council member chaired the meeting. At forums of the Department of Economic and Social Affairs, organizations needed to coordinate and had one speaking slot on behalf of larger groups, which, given the limited time available during the High-level Segment and the general debate of the High-level Political Forum on Sustainable Development, had been a source of frustration. In some instances, there were physical barriers to civil society presenting oral statements, in particular, lack of sitting space in the meeting venues.

32. Another factor identified as deficient was the prohibitive costs linked to participating at regional and international events, especially in Geneva and New York, which had resulted in weak civil society representation from the Global South and a predominance of civil society from the North in meetings on regional and international policymaking. That was further exacerbated by increased restrictions on the freedom of movement, including travel bans, onerous application processes and denials of entry visas. Some contributors expressed their discontent in relation to security measures, especially during major meetings at the United Nations, which had limited civil society access to meeting venues or had denied them the opportunity to bring advocacy materials to meetings.[29]

D. Other channels for civil society interventions

33. Some regional and international organizations and forums allowed for other avenues for civil society interventions and submissions. For instance, through the Aarhus Convention secretariat, civil society organizations could submit comments to the documents that were subject to negotiation and had the possibility to take the floor on an equal footing with government representatives, time permitting. At the annual session of the Committee of Experts on Public Administration, inputs from civil society organizations were formally incorporated into meeting reports. A number of organizations, for example

[25] CEE BankWatch Network.

[26] Civic Space Initiative.

[27] Submission by the Government of Ireland. See also Human Rights Watch, "The Costs of International Advocacy Report", available at www.hrw.org/sites/default/files/report_pdf/chinaun0917_web.pdf.

[28] Submission by the Government of the United States.

[29] Frontline Defenders, International Drug Policy Consortium, World Uyghur Congress.

ICAO, pointed out that most of the input they received was provided by Governments, often with limited input from civil society.

34. There were reports of obstacles relating to the submission of independent contributions from civil society. For example, the High-level Political Forum process, including voluntary national reporting on the Sustainable Development Goals, reportedly did not provide adequate space for civil society submissions and, where provided for, the contributions were allegedly treated with tokenism.[30]

35. Public, inclusive consultations at the national level to feed into important regional and international decision-making processes were an effective means of advancing participation. Ireland, for example, had carried out wide-ranging consultations with various civil society actors in advance of its universal periodic reviews in 2011 and 2016, by setting up a website to inform and receive submissions and by advertising in the national media to draw attention to the process.

E. Access to information

36. Access to information was a precondition for any meaningful engagement with multilateral organizations and a recognized and indispensable element of freedom of expression, closely linked to the right to public participation.[31] A number of multilateral organizations recognized the criticality of access to information for effective civil society involvement in their work, including in decision-making and policymaking, and had put in place certain procedures and practices for that purpose. The Human Rights Council, in paragraphs 14 (b) and (c) of its resolution 32/31, called on States to strengthen access to information, including through clear laws and policies on the disclosure of information held by public authorities, and to establish the right to request and receive information, subject to internationally recognized restrictions therein.

37. The comprehensive UNEP policy on access to information enabled accredited participants to have access to the same documentation as Member States and any information in its custody, in the absence of a compelling reason for confidentiality in line with the exceptions listed in the policy. To ensure that civil society could monitor and engage fully in the activities related to the Aarhus Convention and the protocol bodies, all official and important unofficial documents were published on the Convention website. Moreover, members of the public could request information, and confidentiality was limited to clearly defined and strictly interpreted exemptions. The policy established a timeline within which information must be provided, and any refusal must be justified. Any refusal could be appealed through the established internal justice mechanism.

38. In general, access to information was limited in regional and international meetings owing to hierarchical and bureaucratic structures,[32] including those of the European Union[33]. Some corruption review mechanisms (e.g. the Financial Action Task Force, the United Nations Convention against Corruption and the OECD Working Group on Bribery) did not publish any rules on access to information concerning their international meetings.[34] It was suggested that enhanced on-site access to information and proactive disclosure of information should be encouraged in those institutions.[35] The lack of sufficient notice given to civil society could be an impediment to participation. For example, under its procedures, the Inter-American Commission on Human Rights gave one month's notice for public hearings, which in practice was insufficient for the participation of regional civil society

[30] Centre for Economic and Social Rights, Together 2030.

[31] See A/72/350, paras. 9–22.

[32] EUROMIL.

[33] See "Challenges facing civil society organizations working on human rights in the EU" (European Union Agency for Fundamental Rights, 2018) p. 43.

[34] Transparency International.

[35] Transparency International listing the United Nations Convention against Corruption, OECD, Mechanism for Follow-Up on the Implementation of the Inter-American Convention against Corruption, and Financial Action Task Force.

organizations. Quality access to online information, including in different languages, could also be limited owing to missing, outdated or irrelevant information, while timetables and agendas were either shared late or not at all. In that respect, suggestions were made for the African Commission on Human and Peoples' Rights to publish all the merits of its decisions, while the United Nations treaty bodies could provide information well in advance on the individual complaints to be considered.[36]

39. Contributors considered the period between the time that special procedures communications were sent and their publication (up to six months after having been sent through the joint communications reports) too long for victims who were waiting to learn whether action had been taken.[37]

40. The Department of Economic and Social Affairs used social media to share content-appropriate information to engage its followers, using digital cards, infographics, tweets and hash-tagging. UN-Habitat was in the process of improving the way it shared feedback from partners on project implementation through updated internal communication systems, including the launch in 2018 of the partner information management system.

F. Accountability mechanisms

41. To enforce participatory rights, there must be avenues to hold Governments and other duty bearers to account. That applied equally to the international and regional levels. As the Human Rights Council noted in paragraphs 7 and 14 (a) of its resolution 32/31, access to justice was a necessary element to enforce the rights of civil society and to challenge otherwise illegal practices of public authorities and private parties. The absence of justice and appeal mechanisms in regional and international institutions, which are meant to advocate and assist in the application of those very principles at the domestic level, was incompatible with the spirit of the Charter of the United Nations. In paragraph 42 of his above-mentioned report, the Special Rapporteur on freedom of expression stressed that intergovernmental organizations should ensure an independent appeals process, protected against political interference and with the competence to make binding decisions. Grounds for appeal should be broad and clear procedures should be in place, including timelines.

42. The Aarhus Convention provided for a compliance mechanism, the members of which were nominated by parties and NGOs and served in their private capacity. Any individual or group of individuals (including an NGO) could approach the Committee to allege a violation of the Convention. Other mechanisms had a more limited scope, such as the WHO procedure of oversight for relations with civil society organizations, and its annual report by the Programme Committee. UNESCO facilitated the International Conference of Non-Governmental Organizations to review its civic engagement.

43. In terms of due process, the lack of formal complaint mechanisms in regional and international organizations was noted. Also of concern were the lack of accountability for the outcomes of decision-making processes, the lack of mechanisms for adjudication and mediation, and the lack of information on mechanisms that might be available.[38]

G. Protecting civil society from threats and reprisals

44. Member States had a duty to protect those individuals who worked on human rights issues from harm resulting from their work, pursuant to human rights norms and standards and, more specifically, article 2 of the Declaration on Human Rights Defenders. Most submissions stated that the greatest threat to the integrity and legitimacy of intergovernmental bodies was a lack of accountability for threats and reprisals aimed at individuals and civil society organizations who cooperated with such bodies on human rights issues, including the United Nations. Certain areas of engagement, for example,

[36] International Justice Resource Centre.
[37] International Service for Human Rights, Civic Space Initiative.
[38] Action Canada for Sexual Health, Civic Space Initiative.

women's rights and gender equality, presented particular risks as they tended to challenge social norms, which could lead to reprisals by family, community, etc.

45. In his report to the Human Rights Council at its thirty-sixth session (A/HRC/36/31), the Secretary-General expressed his gravest concerns about acts of reprisals. He named 29 countries that had committed such acts, including members of the Human Rights Council; many countries had featured in almost every such report since 2010. He noted that some States seemed to pursue strategies to prevent people from cooperating with the United Nations, and that those acts were predominately perpetrated or condoned by State officials. Many acts of reprisals went unreported for fear of repercussions and further reprisals. The acts of reprisals identified in the report included: travel bans, asset freezing, unlawful dismissal, disbarment, surveillance, derogatory media smear campaigns, including being labelled as terrorists, judicial harassment or "persecution through prosecution", unlawful arrests, arbitrary and prolonged detention, enforced disappearances, abduction, torture, forced psychiatric treatment, and sexual assault, including rape, in particular against individuals held in detention. According to one submission, the use of online "trolls" who harassed, discredited, bullied and threatened activists had also expanded to become sophisticated networks, sometimes government sponsored or sanctioned, that were also often highly gendered and misogynistic, targeting women and girls in particular.[39]

46. Most cooperation related to information-sharing, and interacting or cooperating with organizations, bodies, processes, meetings and even training workshops, for example as part of the Security Council, the Human Rights Council, United Nations human rights mechanisms, the International Labour Organization, the United Nations Framework Convention on Climate Change, the Permanent Forum on the Rights of Indigenous Peoples and the International Criminal Court. The above-mentioned report of the Secretary-General did not include possible cases of reprisals with respect to those cooperating with regional or other international organizations outside the United Nations.

H. Ensuring diversity of civil society representatives

47. The contributors agreed that non-discrimination was a human right in itself and a principle that related to all rights, including participation at all levels. The relevance of hearing a variety of voices during key discussions and negotiations, also with a view to ensuring inclusivity and credibility of policy development and decision-making, was widely recognized.

48. However, civil society representation in regional and international arenas continued not to reflect the full diversity of voices. That was true in terms of underrepresentation of women, especially women and girls from groups in situations of vulnerability, reflecting the practically omnipresent gender-based discrimination. In many countries, particularly where women struggled to achieve equal access to basic human rights and autonomy, financial barriers disproportionally affected women's organizations. Some women and girls also faced barriers based on harmful stereotypes and social norms that led to being prevented by families or communities from engaging in the public space. In some contexts, the groups most directly affected, such as children, could not voice their perspectives, including as a result of barriers or lack of access to regional and international spaces.[40]

49. Furthermore, the prohibitive costs linked to participation in events in certain places, such as Geneva and New York, and restrictions on gaining entry to those events, might have the effect of disproportionally excluding representatives from the Global South, women, the poor, young people and other groups. Community-based organizations, often working to defend women's rights, were particularly unaware of the international/regional forums and removed from funding opportunities.

[39] See Amnesty International, "Human Rights Defenders Under Threat: A Shrinking Space for Civil Society" (London, 2017), p. 15, available at www.amnesty.org/en/documents/act30/6011/2017/en.

[40] Save the Children.

50. In terms of proactive outreach and increasing accessibility, some treaty bodies had begun to hold meeting in decentralized locations. The Department of Economic and Social Affairs promoted the participation of youth organizations, with or without consultative status with the Economic and Social Council, at the Council's annual Youth Forum. UNFPA played an important role in creating and strengthening the Youth Leadership Working Group, which advocated for issues related to young people at the International Conference on Population and Development. The Peacebuilding Support Office, for instance, had created the Working Group on Youth and Peacebuilding to promote the participation of young people in peacebuilding operations. Some organizations had gone a step further in expanding their constituencies, for example, to include faith-based NGOs, while FAO had included social movements.

51. Contributors reported that the increasing presence of government-organized NGOs had distorted and diluted the voice of civil society, thereby limiting the actual space for the distinct contribution of groups not connected to Governments.[41] States had reportedly used them to occupy some of the limited space allocated to civil society, for example by having them submit shadow reports with increasing regularity and crowding out other civil society actors, including by granting them Economic and Social Council accreditation. Certain civil society organizations were said to play an active role in limiting the space for others.

I. Promoting and funding civil society engagement

52. In paragraph 14 (e) of its resolution 32/31, the Human Rights Council requested States to provide a long-term supportive environment for civil society, including through education, to strengthen respect for human rights and fundamental freedoms. Some organizations sought to strengthen civil society engagement through capacity development, knowledge-sharing and the development of tools and skills. The United Nations Institute for Training and Research frequently supported the promotion and protection of civil society space through training, education and capacity development, including through an online course on human rights and the environment. The Office for Disarmament Affairs had established programmes and produced publications to assist civil society organizations in engaging with Member States on disarmament issues, including through a dedicated initiative on civil society and disarmament.

53. Information technology offered cost-effective avenues for information-sharing. Examples included: the ITU stocktaking process on the World Summit on the Information Society, a global register of activities by stakeholders to foster the promotion of civil society in information and communication technology; an NGO marketplace project set up by the UNODC Vienna NGO Committee on Drugs, an independent online platform for all stakeholders; the Aarhus Convention directives on the use of technology to promote participation; the development of the annual UN-Habitat partner survey; the "partner portal", a transparent vetting system across United Nations agencies; and a shared database created by the Office of the United Nations High Commissioner for Refugees, the World Food Programme and UNICEF.

54. Regional organizations, such as the Organization for Security and Cooperation in Europe, assisted civil society organizations through programmatic support, offering guidelines and handbooks, enhanced dialogues, workshops and meetings at the national and regional levels, to expand their knowledge and competencies. The European Union Agency for Fundamental Rights sought to engage with a wide array of diverse stakeholders from the local to the international levels. At the national level, some national human rights institutions, such as the Commission nationale consultative des droits de l'homme of France provided assistance to civil society organizations on engaging with regional and international human rights bodies.

55. Funding for the participation of civil society organizations in regional and international platforms was a good practice that supported the participation of less

[41] Human Rights in China, International Justice Resource Center, Americans for Democracy and Human Rights in Bahrain.

resourced civil society representatives. For example, UNEP, the Department of Economic and Social Affairs and the Aarhus Convention provided financial support for travel and capacity-building initiatives.

IV. Conclusions and recommendations

56. **The effective functioning of international and regional organizations is inexorably linked to civil society participation. Civil society engagement ensures that international discussions and decisions are informed by what is happening on the ground, that a full range of perspectives are heard, and that decision-making is fully informed by relevant expertise and experience. Where civil society engagement is restricted, responses to security threats, development challenges, environmental disasters and disease, among others, risk being ill-informed and weaker. Civil society participation provides a critical contribution to the prevention of violence, insecurity and, in turn, conflict.**

57. **International human rights law requires States and other duty bearers to create and support a safe and enabling environment that allows civil society to exercise fully the rights and freedoms that are indispensable for them to fulfil their essential role of bringing the voices of all parts of society to the table. Respecting human rights also means addressing the multiple and intersecting forms of discrimination that civil society actors may face in engaging in the spaces of international and regional organizations.**

58. **The right to access to information underpins the participation of civil society in regional and international organizations and therefore should not be unnecessarily or disproportionately restricted. Some regional and international entities have established procedures and practices that have promoted civil society engagement, including by having explicit policies and institutional arrangements that recognize stakeholders' rights to participation and to access to information, thus facilitating the engagement of civil society organizations. Furthermore, establishing clear rules regarding accreditation and predictable channels for exchange and for providing inputs into the work of international and regional organizations is critical to effective engagement. Other positive examples include policies and processes that: (a) maximize transparency through the proactive disclosure of information and in which information may be withheld to the strict minimum; (b) provide compliance and accountability mechanisms; and (c) make it possible to reach out to a wide range of diverse civil society representatives. Some of those practices can be established without the need for significant resources.**

59. **At the same time, numerous obstacles to the full and effective participation of civil society remain, including: (a) the lack of access to timely and clear information about channels of engagement and about specific themes and topics to be addressed; (b) opaque and cumbersome accreditation processes without impartial review mechanisms in cases where accreditation is denied; (c) complex and inconsistent rules governing attendance and speaking rights at meetings and forums; (d) prohibitive costs and visa barriers in gaining access to certain locations; (e) a lack of accountability for decisions that restrict access; and (f) underrepresentation of some segments of civil society. Particularly disturbing are reprisals against civil society for cooperation with international and regional organizations, not only because of the individual human rights violations they generally constitute, but also because they risk undermining the effectiveness of the system as a whole.**

60. **Several submissions raised the need to reform the procedures and practices of the Economic and Social Council Committee on Non-Governmental Organizations, which created significant hurdles for the participation of many groups in international decision-making and policy development. The Committee's recent decision to broadcast its sessions was considered a step in the right direction, but more needed to be done to ensure that the United Nations could benefit fully and regularly from all relevant civil society contributions.**

61. **In order for States and organizations to provide and foster effective engagement, OHCHR and the contributors to the present report recommend that they:**

(a) **Adopt policies and frameworks for civil society engagement that recognize the contribution of civil society, and establish clear, effective, human rights-based and gender-sensitive channels of participation and engagement; and establish institutional mechanisms to promote a systematic and meaningful civil society engagement, such as advisory boards;**

(b) **Expand the transparency of decision-making processes and access to public meetings, including by making information available in a timely manner, in relevant languages, with minimum restrictions and by employing new communications tools to maximize outreach, based on explicit policies that comply with human rights;**

(c) **Put in place transparent, fair and gender-sensitive accreditation processes that deliver prompt decisions in compliance with human rights standards, including by establishing grievance mechanisms for redress, and address any erroneous accreditation decisions;**

(d) **Review the practice and procedures of the Economic and Social Council Committee on Non-Governmental Organizations for granting consultative status so that it complies fully with international standards, such as non-discrimination, accountability and transparency, and ensure that they are fit for the purpose of securing full, diverse and timely civil society participation;**

(e) **Adopt and implement robust policies on access to information, including by appointing focal points and ensuring secure information channels;**

(f) **Ensure the safety and security of persons seeking to engage with regional and international organizations, including online, prevent any acts of reprisals by State or non-State actors against them and, when such reprisals do occur, condemn them and ensure accountability and access to an effective remedy;**

(g) **Enable the prompt and objective review by independent accountability mechanisms of restrictions imposed on civil society engagement at the international and regional levels, for example through a review panel or an Ombudsperson;**

(h) **Report regularly on civil society engagement, including on measures taken to bolster engagement and diversify civic society partners;**

(i) **Reach out proactively to underrepresented parts of civil society with a view to ensuring the diversity of civil society participation, by including women, children, young people, older persons, persons with disabilities, ethnic, national, linguistic and racial minorities, migrants and indigenous people;**

(j) **Explore avenues to enable the participation of those segments of civil society and individuals that are not associated with or organized in NGOs, including social movements;**

(k) **Consider different institutional arrangements, such as the creation of civil society advisory boards, liaison units in secretariats of international organizations and the development of tools to increase capacity for effective civil society participation;**

(l) **Ensure that those bodies responsible for civil society engagement have the resources necessary and provide other forms of support to the least represented civil society actors, including training and funding for travel. Special considerations should be given to organizations that face challenges in gaining access to the resources necessary to function effectively, including as a result of restrictions placed on access to foreign funding. In parallel, expand remote participation through videoconferencing and conference hubs and, where possible, organize meetings and conferences in accessible and less costly places or venues;**

(m) **Guard against abuses of process, exploitation of procedural flaws and modalities of participation, including undue use of points of order during meetings and restrictive language in relation to modalities of stakeholder engagement;**

(n) **Promote civil society participation in the implementation of the Sustainable Development Goals and the High-level Political Forum reviews, also with a view to ensuring that no one is left behind.**

United Nations A/HRC/38/19

General Assembly

Distr.: General
2 May 2018

Original: English

Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda items 2 and 3
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Summary of the high-level panel discussion dedicated to the seventieth anniversary of the Universal Declaration of Human Rights and the twenty-fifth anniversary of the Vienna Declaration and Programme of Action

Report of the United Nations High Commissioner for Human Rights

Summary

The present summary was prepared pursuant to Human Rights Council resolution 35/1, in which the Council decided to convene a high-level panel discussion to commemorate the seventieth anniversary of the Universal Declaration of Human Rights and the twenty-fifth anniversary of the adoption of the Vienna Declaration and Programme of Action, with a particular focus on the implementation of the provisions thereof, including the benefits of enhanced international cooperation in that regard. The panel discussion, organized by the Office of the United Nations High Commissioner for Human Rights, was held on 28 February 2018.

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I. Introduction

1. Pursuant to its resolution 35/1, on 28 February 2018, at its thirty-seventh session, the Human Rights Council held a high-level panel discussion to commemorate the seventieth anniversary of the Universal Declaration of Human Rights and the twenty-fifth anniversary of the adoption of the Vienna Declaration and Programme of Action, with a particular focus on the implementation of the provisions thereof, including the benefits of enhanced international cooperation in that regard. In resolution 35/1, the Council also requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to liaise with States, relevant United Nations bodies and agencies, treaty bodies, special procedures and regional human rights mechanisms, and with civil society, including non-governmental organizations (NGOs), and national human rights institutions, with a view to ensuring their participation in the panel discussion. The present summary report of the panel discussion was prepared pursuant to the Council's request to that effect contained in resolution 35/1.

2. The panel discussion offered a valuable opportunity to raise awareness and to reflect on achievements, best practices and challenges with regard to the full realization of human rights and fundamental freedoms, and the benefits of enhanced international cooperation to that end.

3. The panel was chaired and moderated by the President of the Human Rights Council, Vojislav Šuc. The discussion was opened by the United Nations High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, and the Director of the Department for Humanitarian Cooperation and Human Rights of the Ministry of Foreign Affairs of the Russian Federation and Commissioner for Human Rights, Democracy and Rule of Law, Anatoly Victorov. The panel was composed of: the Special Representative for the Austrian Organization for Security and Cooperation in Europe (OSCE) Chairmanship 2017 and former Special Representative and Ambassador for the World Conference on Human Rights (1992–1993), Christian Strohal; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Leilani Farha; member of the Human Rights Committee and former Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns; and senior advisor at Women Political Leaders Global Forum and former member of the Committee on the Rights of Persons with Disabilities, Şafak Pavey.

4. The panel discussion was made accessible to persons with disabilities, in order to promote their participation in the work of the Council on an equal basis with others. International sign language interpretation and real-time captioning were provided in the room and on the webcast.

II. Opening statements

5. The United Nations High Commissioner for Human Rights said that both his and the Human Rights Council's mandates were rooted in the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action. The panel, therefore, represented an occasion to reaffirm the commitment to those fundamental texts. The Universal Declaration enshrined a promise made by States to uphold the equality and inherent rights of every human being. At the time of the negotiations of the Universal Declaration, uniform practice had not been a goal, as the drafters had sought to show that the coexistence of States with differing economic conceptions and differing regimes was possible. Therefore, the Universal Declaration was not a projection of partisan politics, or a project for world domination.

6. The original push to draw up the Universal Declaration had come from anti-imperialist, anti-racist movements in countries of the global South. Indeed, while Western countries, including France, the United Kingdom of Great Britain and Northern Ireland and the United States of America, had initially been reluctant, Latin American States, with their experiences of slavery, colonialism and foreign domination, had pushed for international human rights measures even before the Second World War. Furthermore, once discussions

had begun, the Philippines had insisted on powerful language prohibiting torture. India and Pakistan had strongly backed the rights of women. China, Costa Rica, Ghana, Jamaica, Lebanon and Liberia had championed language on justice and the dignity and worth of the human person. Those values were drawn from cultures and traditions across the world. The rights to justice, equality, freedom and dignity and the imperatives of compassion stood out as universal. The universality of all human rights bound all peoples of the world together and gave the Universal Declaration its deep resonance. No other document in history had been translated into as many languages as the Universal Declaration.

7. The Vienna Declaration had taken that fundamental notion of universality a step further: all States recognized that all human rights were indivisible, interdependent and interrelated. Civil and political rights, economic, social and cultural rights and the right to development built on each other and advanced together. Access to social protections and economic opportunities formed a powerful antidote to the spread of violent extremism. Similarly, measures to end discrimination and uphold the freedom to speak out accelerated sustainable development. The Declaration on the Right to Development emphasized the right of all individuals and peoples to free, active and meaningful participation in decisions.

8. When seeking to become members of the Human Rights Council, States pledged that they would act without selectivity. Any selectivity, whether it involved an exclusive focus on particular rights, or political action on behalf of allies, would damage the Council's legitimacy and impact. The provision of governance and economic systems rooted in dignity was the responsibility of every Government, in all regions, at every level of development: such systems not only underpinned the legitimacy of all Governments, but were also conducive to the creation of resilient societies.

9. At the global level, respect for international law, including international human rights law, was essential to peaceful coexistence among States, particularly smaller and less-developed States. Fractures across the world were deepening and blind nationalism had led to the pursuit of narrowly defined national interests at the expense of the common good. Thus, the anniversaries of the Universal Declaration of Human Rights and of the adoption of the Vienna Declaration and Programme of Action should remind everyone of the disasters and the catastrophic violence that might ensue should the commitments made 70 years previously to the universal values of humanity be violated.

10. The Director of the Department for Humanitarian Cooperation and Human Rights of the Ministry of Foreign Affairs of the Russian Federation and Commissioner for Human Rights, Democracy and Rule of Law said that the Universal Declaration of Human Rights had been adopted 70 years previously, in the wake of the most tragic period in the history of the twentieth century, the Second World War, at the dawn of the United Nations and of a new world order based on international law. The process for its adoption had been characterized by intense and heated discussions. Unfortunately, attempts to arbitrarily interpret the provisions of the Universal Declaration persisted. Thus, it was important to emphasize the timeless relevance of the Universal Declaration, which constituted a universal human rights compass for the international community as a whole.

11. The 1993 World Conference on Human Rights, which had resulted in the adoption of the Vienna Declaration and Programme of Action, had strengthened two important tenets, namely, the interdependence and the indivisibility of all human rights. Moreover, the Conference had contributed to consolidating the positions of States in all regions of the world with regard to an agreed document. The Vienna Declaration had subsequently been quoted in practically all human rights documents.

12. The anniversaries of the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, which were both pivotal documents, provided an opportunity for international organizations, States and civil society to enhance human rights in all spheres. The commemoration was an opportunity to evaluate how the United Nations could be rendered more authoritative in the promotion and protection of human rights, and to analyse achievements, highlight problems and design new strategies, in order to face new challenges. The human rights enshrined in the Universal Declaration and in the Vienna Declaration and Programme of Action could only be effectively promoted if those

instruments were implemented on the basis of equal, mutually respectful and instructive cooperation among States.

III. Contributions of the panel

13. The President of the Human Rights Council said that, early on during the thirty-seventh session of the Human Rights Council, States had repeatedly referred to the Universal Declaration. However, full implementation of the instrument remained some way off. He addressed a number of specific questions to each of the panellists, and invited them all to share their observations on the most important achievement of the Declaration since its adoption.

14. Mr. Christian Strohal shared his thoughts on the expectations at the Vienna Conference and on how delegations had worked together to adopt the Vienna Declaration and Programme of Action. In the light of the favourable global political conditions following the end of the Cold War, States had decided to move forward and fulfil the promise enshrined in the Universal Declaration. In operational terms, the Universal Declaration was a promise: in Vienna, the idea had been to operationalize that promise by transforming it into an action-oriented result.

15. The Vienna Conference had been the result of a two-year preparatory process, characterized by disagreement on several points in the concluding document. The process had ignited the development of a global movement, with civil society organizations at its root. More than 3,000 such organizations had come to Vienna, creating momentum that had motivated States to act. That movement in itself had shown Governments not only the global nature of the promise enshrined in the Universal Declaration, but also the global nature of the response expected to that promise. The universality of all human rights, the shared obligations and responsibility and the engagement of civil society had led States to establish OHCHR.

16. Ms. Farha said that it was important to revisit the founding documents of human rights. People on the ground were aware of their human rights, contrary to the common assumption. However, the level of recognition of human rights by all Governments and at all levels of government was lower. Although government officials had some general knowledge of human rights, there were misconceptions about social and economic rights, which were perceived as being unenforceable.

17. Institutional and accountability mechanisms were the most effective tools for familiarizing members of the public with their social, economic, and cultural rights. It would be extremely useful to give individuals the possibility of bringing their cases on the right to housing before courts, tribunals and local community councils and to have a constitutional provision recognizing the right to adequate housing and other economic and social rights. Within society, there was a need for a human rights-based culture in each national context.

18. Mr. Heyns said that, at the end of the Second World War, the then recently adopted Charter of the United Nations had referred to human rights, without explaining what they were. The Universal Declaration of Human Rights had filled that gap, but was not in itself a binding instrument. Indeed, it was only with the successive adoption of the nine core human rights treaties that the norms inherent in the Universal Declaration had been provided with legally binding force.

19. The human rights treaty system would not have made a difference on its own. The treaty-based mechanisms with the individual communications system, the States' reports and the general comments brought added value. Moreover, the special procedures of the Human Rights Council and the universal periodic review complemented the system. The idea at the core of human rights was that each individual had an immeasurable value and could not be sacrificed for the common good. The human rights treaties and their mechanisms turned that concept into a reality, and transformed the promise of the Universal Declaration into something that could be enforced.

20. Ms. Pavey said that the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action and the human rights treaty system made discrimination in all its forms unacceptable. The recognition of that fundamental tenet by all States represented one of the most basic forms of respect for human rights. The impact of the Universal Declaration and the Vienna Declaration and Programme of Action was not abstract. The accessibility of the present panel to persons with disabilities, the equal representation of female and male panellists and the participation of both Member States and civil society organizations in the work of the Human Rights Council were all proof of the realization of the principles and rights enshrined in the above-mentioned instruments.

21. At the end of the Second World War, finding common ground had appeared to be an impossible task, and yet, the adoption of the Universal Declaration had shown that the identification of common values was conceivable and actionable.

IV. Summary of the discussion

22. Representatives of the following delegations made statements during the discussion: South Africa; Indonesia, on behalf of the Association of Southeast Asian Nations; Mexico, speaking on behalf of the sponsors of the initiative entitled "UN70: a new agenda";[1] Chile, speaking also on behalf of Argentina, Brazil, Colombia, Costa Rica, Guatemala, Mexico, Paraguay, Peru and Uruguay; Denmark, speaking also on behalf of Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden; European Union; Canada, speaking on behalf of the member States of the International Organization of la Francophonie; Republic of Korea, on behalf of Mexico, Indonesia, Republic of Korea, Turkey and Australia; Belgium, speaking also on behalf of Luxembourg and the Netherlands; Australia, speaking also on behalf of Canada, Iceland, Liechtenstein, New Zealand, Norway and Switzerland; China, speaking on behalf of a group of like-minded countries; Jordan, speaking on behalf of the Group of Arab States; Nepal, speaking on behalf of a group of countries;[2] Togo, on behalf of the African Group; Ethiopia; Brazil; Switzerland; Botswana; Israel; Egypt; Spain; Slovenia; Viet Nam; and Poland.

23. Representatives of the Global Alliance of National Human Rights Institutions and the following NGOs participated in the discussion: International Service for Human Rights, International Association of Democratic Lawyers, Amnesty International, Human Rights Watch and World Alliance for Citizen Participation.

A. Issues raised during the discussion

24. All speakers recognized the fundamental importance of the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, while highlighting that their anniversaries provided an opportunity to reflect upon achievements, challenges and future opportunities. States recalled that the Universal Declaration had emerged as a point of consensus among nations after the atrocities of the Second World War. Many delegations stressed that the Universal Declaration was a common aspiration and standard for all peoples and nations of the world, and constituted a compass for international relations. Several speakers stated that the Vienna Declaration reaffirmed that all human rights were universal, indivisible, interdependent and interrelated. Many delegations recalled that the Vienna Declaration and Programme of Action strengthened the interrelationship between peace, security, human rights and development. The instrument also: contributed to the promotion of the human rights of women, children and indigenous peoples; recognized that extreme poverty and social exclusion constituted a violation of human dignity; reaffirmed the right to development as a universal and inalienable right and

[1] Colombia, Ethiopia, Ghana, Indonesia, Jordan, Mexico, New Zealand and Norway.

[2] Beneficiaries of the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council: Afghanistan, Antigua, Bahamas, Bangladesh, Democratic Republic of the Congo, Haiti, Nepal, South Sudan and Yemen.

an integral part of fundamental human rights; and acknowledged the role of civil society and of national human rights institutions in the implementation of the human rights agenda. The Universal Declaration and the Vienna Declaration and Programme of Action embodied the aspirations of a world committed to respecting the human rights and fundamental freedoms of all people.

25. Several delegations stated that the Universal Declaration constituted a guide in the implementation of the 2030 Agenda for Sustainable Development. The pledge to leave no one behind enshrined in the Agenda reflected the centrality of human rights regarding the achievement of sustainable development. A number of representatives of NGOs said that the above-mentioned pledge should be translated into a more significant role for human rights in efforts to address inequalities. Many representatives of States highlighted the fact that civil, cultural, economic, political and social rights must be treated equally when striving to achieve the Sustainable Development Goals. In the view of some delegations, development and respect for human rights were inalienably interlinked and one could not be achieved without the other. Other delegations stated that effective international cooperation with a global reach would be conducive to the realization of the right to development.

26. A number of delegations stressed that, in order to translate the principles and standards of the Universal Declaration into concrete results, human rights should be put at the centre of conflict-prevention and violence-reduction measures. One of the best ways to support sustainable security grounded in international law was through investment in human rights in the context of open societies. Several delegations emphasized the importance of technical cooperation, capacity-building initiatives and coordination and complementarity between national, regional and international mechanisms, in order to implement human rights holistically.

27. In terms of human rights advances, representatives of a number of States recalled the adoption of international agreements and the establishment of international institutions dedicated to human rights. Referring to the implementation of the human rights agenda, some delegations stressed the importance of the respect for sovereignty, in line with the Charter of the United Nations. Human rights should not be used as a political tool in a selective manner.

28. The commemoration of the anniversaries of the two declarations provided an opportunity to identify persisting challenges and obstacles regarding the full implementation of the commitments contained in the instruments.

29. Certain speakers said that they were concerned at the weak implementation of the Universal Declaration, arising, inter alia, from: the absence of an enabling environment for sustainable development; shrinking space for civil society; pressing humanitarian crises; continuing threats to human rights defenders; persistent poverty and hunger in many regions of the world; and a tendency to underestimate the significance of economic, social and cultural rights.

30. Referring to the rise of extremism and terrorism, some delegations noted with concern the unprecedented level of violence affecting, for instance, minorities and ethnic groups. Terrorist attacks were a threat to the realization of the right to life.

31. Many representatives of States observed that the universality, indivisibility and interdependence of human rights were constantly being challenged in favour of special interests and considerations. Several speakers emphasized the need to overcome the false dichotomy between human rights and national sovereignty. Concerns were also expressed with regard to inequalities among people and nations. A number of delegations singled out the gap between commitments and implementation at the country level as one of the factors undermining the very essence of the Universal Declaration.

32. In the view of many delegations, discrimination against and exclusion of specific groups remained a reality. Several representatives of States highlighted the current worrying trend of discrimination based on sexual orientation or gender identity. Some delegations also pointed out that persons with disabilities continued to face severe disadvantages.

33. The panel discussion provided participants with the possibility of commenting on the human rights system and of identifying those aspects that should be improved, so as to guarantee its effective functioning. Many delegations stressed the need to strengthen the international human rights framework by providing the necessary financial and political support for the Human Rights Council, other United Nations human rights mechanisms and OHCHR. A number of delegations stated that the United Nations as a whole should strengthen international cooperation and mobilize resources for the promotion and protection of human rights.

34. Several representatives highlighted the valuable contribution of the Human Rights Council in the promotion and protection of human rights. The Council was the guardian of rights and freedoms across the globe. In the view of some delegations, the Council should play a significant role in assisting States to build solid and resilient national institutions with a mandate to address obstacles to the full implementation of the Universal Declaration of Human Rights. Some delegations underlined that the Council and the universal periodic review should be considered a global platform for cooperation and dialogue among Member States regarding the fulfilment of their human rights obligations at the national, regional and international levels. A number of delegations singled out politicization and double-standards as the major challenges in the work of the Council, calling on the Council and other human rights mechanisms to fulfil their mandates in a more impartial, constructive and non-selective manner.

35. Many delegations commended the work carried out by the United Nations High Commissioner for Human Rights. The substantial role played by OHCHR in enhancing the promotion and protection of human rights was acknowledged.

36. The panel was asked to answer and comment on a set of questions raised by representatives. Delegations asked: (a) whether there were specific reasons behind the limited implementation of the rights enshrined in the declarations; (b) whether international cooperation and technical assistance had any role in the implementation of the Universal Declaration; (c) whether cooperation and coordination between existing human rights mechanisms in Geneva and New York could be made more effective; and (d) how the whole international community could develop a new human rights-oriented vision.

B. Responses by panellists

37. Mr. Strohal said that the implementation gap could be closed only if there were political will in that regard, and if those responsible for its existence were held accountable. One of the best ways to enhance cooperation between Geneva and New York would be through the Sustainable Development Goals, which provided a unique opportunity to feed the work done in Geneva to New York. He recalled that 2018 marked the twentieth anniversary of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. The protection of human rights defenders was a crucial issue that epitomized respect for human rights, or rather the lack of it. The situation of journalists should not be forgotten, as they were the target of attacks and abuse in many parts of the world. In his view, Governments should not shoot the messenger, but heed the message. As for the role of cooperation and technical assistance, the follow-up to the universal periodic review was as an excellent tool that would help to bridge the gap between the national and international levels.

38. Ms. Farha stated that, in her view, based on her experience as Special Rapporteur, there was a significant divide between Geneva and New York. In her periodic reporting to the General Assembly, she had repeatedly pointed out that, in New York, there was a lack of constructive dialogue on social and economic rights at the level of the Third Committee. There was a certain discomfort in addressing human rights issues, mainly due to a lack of expertise. The Sustainable Development Goals would provide a bridge between the work done in Geneva and that carried out in New York. The implementation gap was closely linked to political will, mechanisms and accountability. States and subnational entities were not being creative in their approach to integrating the recommendations received at the

multilateral level regarding their national systems. The gap was also related to the systemic neglect of economic, social and cultural rights that contributed to generating social unrest. With regard to the structural weakening of the State, it was commonly perceived that States did not have sufficient resources to achieve the Sustainable Development Goals, and would need private sector support in that regard. The human rights system had not been effective in guaranteeing that States ensured, in line with their obligations, that private sector actors' conduct was consistent with human rights standards.

39. Mr. Heyns said that efforts to strengthen the international human rights system should focus in particular on regional human rights systems, in order to bring the human rights debate to the wider population. A top-down approach to human rights was not viable. The treaty bodies could hold one of their sessions in another part of the world. International and local-level moot courts and moot court competitions for students could be organized, in order to ensure that future generations internalized the values enshrined in the declarations.

40. Ms. Pavey said that elections for treaty body members were held primarily in New York and that the candidacies were not reflective of the human rights spirit. The membership of the human rights mechanisms and bodies should be more diverse. With regard to the effectiveness of the human rights system, the treaty bodies should not only issue recommendations, but also share best practices on the protection of human rights at the local level, thus making local communities aware of viable and effective solutions to human rights-related issues.

C. Concluding remarks

41. Ms. Pavey said that one of the greatest challenges regarding the universal implementation of human rights was resistance to human rights-based principles and values due to the persistence of various cultural beliefs and harmful traditional practices. In order to tackle that challenge, States needed to reach a consensus among wider society by organizing awareness-raising initiatives and cultural campaigns alongside the adoption of legislation prohibiting discriminatory practices. One of the greatest achievements of the Universal Declaration of Human Rights and of the Vienna Declaration and Programme of Action had been the creation of an environment that brought together civil society organizations and States. In the light of the above, the moment had arrived to turn domestic legislation and international treaties into reality and to integrate them into national and local cultures.

42. Mr. Strohal recalled that the Vienna Declaration and Programme of Action revealed the capacity of the international community to make, and to successfully see through to the end, an effort. The human rights system had been firmly established, with legal and institutional frameworks at the national, regional and international levels. One way to enhance the system's implementation would be to promote the politics of inclusion and engagement by turning the Programme of Action into real action. That point should be further addressed at a future high-level expert conference in Vienna, to be organized by the Government of Austria in order to assess the achievements and developments since the adoption of the Vienna Declaration and Programme of Action.

43. Mr. Heyns noted that one of the issues that remained to be addressed was that of overemphasis of nationalism and sovereignty. There were values and principles that transcended sovereignty, such as those enshrined in the Universal Declaration. The act of embracing those values formed part of the exercise of sovereignty. As a part of future work, the Universal Declaration must be disseminated at the grass-roots level.

44. Ms. Farha stated that she hoped that all States would ratify the Option Protocol to the International Covenant on Economic, Social and Cultural Rights in the coming years, in order to demonstrate their belief in the indivisibility and interdependence of all human rights.